

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Universal Waste Management

2) Code Citation: 35 Ill. Adm. Code 733

3) Section Numbers: Proposed Actions:

733.101	Amendment
733.102	Amendment
733.103	Amendment
733.105	Amendment
733.108	Amendment
733.113	Amendment
733.114	Amendment
733.115	Amendment
733.118	Amendment
733.120	Amendment
733.133	Amendment
733.134	Amendment
733.135	Amendment
733.138	Amendment
733.139	Amendment
733.140	Amendment
733.151	Amendment
733.152	Amendment
733.153	Amendment
733.156	Amendment
733.161	Amendment
733.162	Amendment
733.170	Amendment
733.180	Amendment
733.181	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 733 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702, 704, 705, 720 through 728, 730, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 730, 733, 738, 739, and 810 through 812. To save space, a more detailed description of the subjects and issues involved in the consolidated docket

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STATE OF ILLINOIS
Pollution Control Board

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R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 730. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 733 incorporate elements of the Generator Improvements Rule and the Hazardous Waste Import-Export Revisions. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Illinois 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) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

Don A. Brown, 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 consolidated docket R17-14/R17-15/R18-11/R18-31:

Michael J. McCambridge
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312/814-6924
email: michael.mccambridge@illinois.gov

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) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: 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. These proposed

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amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018

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

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 733
7 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT
8

9 SUBPART A: GENERAL
10

11 Section

- 12 733.101 Scope
13 733.102 Applicability: Batteries
14 733.103 Applicability: Pesticides
15 733.104 Applicability: Mercury-Containing Equipment
16 733.105 Applicability: Lamps
17 733.106 Applicability: Mercury-Containing Equipment (Repealed)
18 733.107 Applicability: Mercury-Containing Lamps (Repealed)
19 733.108 Applicability: Household and Conditionally Exempt Small Quantity Generator
20 Waste
21 733.109 Definitions
22

23 SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS
24

25 Section

- 26 733.110 Applicability
27 733.111 Prohibitions
28 733.112 Notification
29 733.113 Waste Management
30 733.114 Labeling and Marking
31 733.115 Accumulation Time Limits
32 733.116 Employee Training
33 733.117 Response to Releases
34 733.118 Off-Site Shipments
35 733.119 Tracking Universal Waste Shipments
36 733.120 Exports
37

38 SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS
39

40 Section

- 41 733.130 Applicability
42 733.131 Prohibitions
43 733.132 Notification

- 44 733.133 Waste Management
- 45 733.134 Labeling and Marking
- 46 733.135 Accumulation Time Limits
- 47 733.136 Employee Training
- 48 733.137 Response to Releases
- 49 733.138 Off-Site Shipments
- 50 733.139 Tracking Universal Waste Shipments
- 51 733.140 Exports

52

53 SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

54

55 Section

- 56 733.150 Applicability
- 57 733.151 Prohibitions
- 58 733.152 Waste Management
- 59 733.153 Accumulation Time Limits
- 60 733.154 Response to Releases
- 61 733.155 Off-site Shipments
- 62 733.156 Exports

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64 SUBPART E: STANDARDS FOR DESTINATION FACILITIES

65

66 Section

- 67 733.160 Applicability
- 68 733.161 Off-Site Shipments
- 69 733.162 Tracking Universal Waste Shipments

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71 SUBPART F: IMPORT REQUIREMENTS

72

73 Section

- 74 733.170 Imports

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76 SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

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78 Section

- 79 733.180 General
- 80 733.181 Factors for Petitions to Include Other Wastes

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

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85 SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-
86 10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill.

87 Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26,
88 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29
89 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352,
90 effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016;
91 amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

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93 SUBPART A: GENERAL

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95 **Section 733.101 Scope**

- 96 a) This Part establishes requirements for managing the following:
 - 97 1) Batteries, as described in Section 733.102;
 - 98 2) Pesticides, as described in Section 733.103;
 - 99 3) Mercury-containing equipment, as described in Section 733.104; and
 - 100 4) Lamps, as described in Section 733.105.
- 101 b) This Part provides an alternative set of management standards in lieu of regulation
- 102 pursuant to 35 Ill. Adm. Code 702 through 705 and 720 through 728.
- 103 c) Electronic reporting. The filing of any document pursuant to any provision of this
- 104 Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

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107 BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 3, as
108 added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (20172005), as amended
109 at 70 Fed. Reg. 59848 (Oct. 13, 2005).

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112 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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119 **Section 733.102 Applicability: Batteries**

- 120 a) Batteries covered under this Part.
 - 121 1) The requirements of this Part apply to persons managing batteries, as
 - 122 described in Section 733.109, except those listed in subsection (b) of this
 - 123 Section.
 - 124 2) Spent lead-acid batteries that are not managed under Subpart G of 35 Ill.
 - 125 Adm. Code 726, are subject to management under this Part.

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- b) Batteries not covered under this Part. The requirements of this Part do not apply to persons managing the following batteries:
 - 1) Spent lead-acid batteries that are managed under Subpart G of 35 Ill. Adm. Code 726;
 - 2) Batteries, as described in Section 733.109, that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) ~~of this Section~~; or
 - 3) Batteries, as described in Section 733.109, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.
- c) Generation of waste batteries.
 - 1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
 - 2) An unused battery becomes a waste on the date the handler decides to discard it.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.103 Applicability: Pesticides

- a) Pesticides covered under this Part. The requirements of this Part apply to persons managing pesticides, as described in Section 733.109, that meet the following conditions, except those listed in subsection (b) ~~of this Section~~:
 - 1) Recalled pesticides, as follows:
 - A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136q(b)), including, but not limited to those owned by the registrant responsible for conducting the recall; or
 - B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant; or
 - 2) Stocks of other unused pesticide products that are collected and managed

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as part of a waste pesticide collection program.

b) Pesticides not covered under this Part. The requirements of this Part do not apply to persons managing the following pesticides:

- 1) Recalled pesticides described in subsection (a)(1) ~~of this Section~~ and unused pesticide products described in subsection (a)(2) ~~of this Section~~ that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);
- 2) Pesticides not meeting the conditions set forth in subsection (a) ~~of this Section~~ must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728;
- 3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) ~~of this Section~~ or those that are not wastes as described in subsection (d) ~~of this Section~~; and
- 4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3) ~~of this Section~~) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) When a pesticide becomes a waste.

- 1) A recalled pesticide described in subsection (a)(1) ~~of this Section~~ becomes a waste on the first date on which both of the following conditions apply:
 - A) The generator of the recalled pesticide agrees to participate in the recall; and
 - B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).
- 2) An unused pesticide product described in subsection (a)(2) ~~of this Section~~ becomes a waste on the date the generator decides to discard it.

d) Pesticides that are not wastes. The following pesticides are not wastes:

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- 1) Recalled pesticides described in subsection (a)(1) ~~of this Section~~ provided that either of the following conditions exist:
 - A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or
 - B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and
- 2) Unused pesticide products described in subsection (a)(2) ~~of this Section~~, if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.105 Applicability: Lamps

- a) Lamps covered under this Part. The requirements of this Part apply to persons that manage lamps, as described in Section 733.109, except those listed in subsection (b) ~~of this Section~~.
- b) Lamps not covered under this Part. The requirements of this Part do not apply to persons that manage the following lamps:
 - 1) Lamps that are not yet wastes under 35 Ill. Adm. Code 721, as provided in subsection (c) ~~of this Section~~; and
 - 2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill.

259 Adm. Code 721.

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261 c) Generation of waste lamps.

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263 1) A used lamp becomes a waste on the date it is discarded.

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265 2) An unused lamp becomes a waste on the date the handler decides to
266 discard it.

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268 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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270 **Section 733.108 Applicability: Household and Conditionally Exempt Small Quantity**
271 **Generator Waste**

272

273 a) A person that manages any of the wastes listed below may, at its option, manage
274 the waste under the requirements of this Part.

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276 1) Household wastes that are exempt under 35 Ill. Adm. Code 721.104(b)(1)
277 and which are also of the same type as the universal wastes defined at
278 Section 733.109; or

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280 2) ~~VSQG~~Conditionally exempt small quantity generator wastes that are
281 exempt under 35 Ill. Adm. Code ~~722.114~~721.105 and are also of the same
282 type as the universal wastes defined at Section 733.109.

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284 b) A person that commingles the wastes described in subsections (a)(1) and (a)(2) of
285 this Section together with universal waste regulated under this Part must manage
286 the commingled waste under the requirements of this Part.

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288 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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290 **SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS**

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292 **Section 733.113 Waste Management**

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294 a) Universal waste batteries. A small quantity handler of universal waste must
295 manage universal waste batteries in a manner that prevents releases of any
296 universal waste or component of a universal waste to the environment, as follows:

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298 1) A small quantity handler of universal waste must contain any universal
299 waste battery that shows evidence of leakage, spillage, or damage that
300 could cause leakage under reasonably foreseeable conditions in a
301 container. The container must be closed, structurally sound, compatible

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with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

- 2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries; and
 - 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) ~~of this Section~~, must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
 - A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
 - B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.
- BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill.

345 Adm. Code 807 through 817 to determine whether additional
346 facility siting, special waste, or non-hazardous waste regulations
347 apply to the waste. Consult the ordinances of relevant units of
348 local government to determine whether local requirements apply.
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350 b) Universal waste pesticides. A small quantity handler of universal waste must
351 manage universal waste pesticides in a way that prevents releases of any universal
352 waste or component of a universal waste to the environment. The universal waste
353 pesticides must be contained in one or more of the following:
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- 355 1) A container that remains closed, structurally sound, compatible with the
356 pesticide, and that lacks evidence of leakage, spillage, or damage that
357 could cause leakage under reasonably foreseeable conditions;
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- 359 2) A container that does not meet the requirements of subsection (b)(1) ~~of~~
360 ~~this Section~~, provided that the unacceptable container is overpacked in a
361 container that does meet the requirements of subsection (b)(1) ~~of this~~
362 ~~Section~~;
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- 364 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725,
365 except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or
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- 367 4) A transport vehicle or vessel that is closed, structurally sound, compatible
368 with the pesticide, and that lacks evidence of leakage, spillage, or damage
369 that could cause leakage under reasonably foreseeable conditions.
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371 c) Universal waste mercury-containing equipment. A small quantity handler of
372 universal waste must manage universal waste mercury-containing equipment in a
373 way that prevents releases of any universal waste or component of a universal
374 waste to the environment, as follows:
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- 376 1) A small quantity handler of universal waste must place in a container any
377 universal waste mercury-containing equipment with non-contained
378 elemental mercury or that shows evidence of leakage, spillage, or damage
379 that could cause leakage under reasonably foreseeable conditions. The
380 container must be closed; must be structurally sound; must be compatible
381 with the contents of the device; must lack evidence of leakage, spillage, or
382 damage that could cause leakage under reasonably foreseeable conditions;
383 and must be reasonably designed to prevent the escape of mercury into the
384 environment by volatilization or any other means.
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- 386 2) A small quantity handler of universal waste may remove mercury-
387 containing ampules from universal waste mercury-containing equipment

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provided the handler follows each of the following procedures:

- A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;
- B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
- C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.115-134;
- D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.115-134;
- E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
- G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
- H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

- A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

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- B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2) of this Section.
- 4) Required hazardous waste determination and further waste management.
 - A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:
 - i) Mercury or clean-up residues resulting from spills or leaks; or
 - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).
 - B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.
 - C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.
- d) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent

- 474 breakage, and compatible with the contents of the lamps. Such containers
475 and packages must remain closed and must lack evidence of leakage,
476 spillage, or damage that could cause leakage under reasonably foreseeable
477 conditions;
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- 479 2) A small quantity handler of universal waste lamps must immediately clean
480 up and place in a container any lamp that is broken, and the small quantity
481 handler must place in a container any lamp that shows evidence of
482 breakage, leakage, or damage that could cause the release of mercury or
483 other hazardous constituents to the environment. Any container used must
484 be closed, structurally sound, compatible with the contents of the lamps,
485 and must lack evidence of leakage, spillage, or damage that could cause
486 leakage or releases of mercury or other hazardous constituents to the
487 environment under reasonably foreseeable conditions; and
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- 489 3) Small quantity handlers of universal waste lamps may treat those lamps
490 for volume reduction at the site where they were generated under the
491 following conditions:
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- 493 A) The lamps must be crushed in a closed system designed and
494 operated in such a manner that any emission of mercury from the
495 crushing system must not exceed 0.1 mg/m^3 when measured on the
496 basis of time weighted average over an eight-hour period;
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- 498 B) The handler must provide notification of crushing activity to the
499 Agency quarterly, in a form as provided by the Agency. Such
500 notification must include the following information:
501
- 502 i) Name and address of the handler;
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- 504 ii) Estimated monthly amount of lamps crushed; and
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- 506 iii) The technology employed for crushing, including any
507 certification or testing data provided by the manufacturer of
508 the crushing unit verifying that the crushing device
509 achieves the emission controls required in subsection
510 (d)(5)(A) of this Section;
511
- 512 C) The handler immediately transfers any material recovered from a
513 spill or leak to a container that meets the requirements of 35 Ill.
514 Adm. Code 722.115-34, and has available equipment necessary to
515 comply with this requirement;
516

- 517 D) The handler ensures that the area in which the lamps are crushed is
- 518 well-ventilated and monitored to ensure compliance with
- 519 applicable OSHA exposure levels for mercury;
- 520
- 521 E) The handler ensures that employees crushing lamps are thoroughly
- 522 familiar with proper waste mercury handling and emergency
- 523 procedures, including transfer of mercury from containment
- 524 devices to appropriate containers; and
- 525
- 526 F) The crushed lamps are stored in closed, non-leaking containers that
- 527 are in good condition (e.g., no severe rusting, apparent structural
- 528 defects or deterioration), suitable to prevent releases during
- 529 storage, handling, and transportation.
- 530

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries," "Waste Batteries," or "Used Batteries".
- b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides-".
- c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
 - 1) Pesticide labeling:
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) of this Section

560 is not feasible, the appropriate label as required under USDOT
561 regulation 49 CFR 172 (Hazardous Materials Table, Special
562 Provisions, Hazardous Materials Communications, Emergency
563 Response Information, and Training Requirements), incorporated
564 by reference in 35 Ill. Adm. Code 720.111(b); or
565

566 C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B)
567 ~~of this Section~~ is not feasible, another label prescribed or
568 designated by the waste pesticide collection program administered
569 or recognized by a state; and
570

571 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides:"
572

573 d) Universal waste mercury-containing equipment and universal waste thermostat
574 labeling:
575

576 1) Universal waste mercury-containing equipment (i.e., each device) or a
577 container in which the equipment is contained must be labeled or marked
578 clearly with any one of the following phrases: "Universal Waste –
579 Mercury-Containing Equipment;"₁ or "Waste ~~Mercury~~~~Mercury~~~~Mercury~~-
580 Containing Equipment;"₁ or "Used Mercury-Containing Equipment:"₁
581

582 2) Universal waste thermostats (i.e., each thermostat) or a container in which
583 the thermostats are contained must be labeled or marked clearly with any
584 one of the following phrases: "Universal Waste – Mercury Thermostats;"₁
585 or "Waste Mercury Thermostats;"₁ or "Used Mercury Thermostats".
586

587 e) Each lamp or a container or package in which such lamps are contained must be
588 labeled or clearly marked with one of the following phrases: "Universal Waste –
589 Lamps;"₁ "Waste Lamps" or "Used Lamps:"₁
590

591 (Source: Amended at 42 Ill. Reg. _____, effective _____)
592

593 **Section 733.115 Accumulation Time Limits**
594

595 a) A small quantity handler of universal waste may accumulate universal waste for
596 no longer than one year from the date the universal waste is generated or received
597 from another handler, unless the requirements of subsection (b) ~~of this Section~~ are
598 met.
599

600 b) A small quantity handler of universal waste may accumulate universal waste for
601 longer than one year from the date the universal waste is generated or received
602 from another handler if such activity is solely for the purpose of accumulation of

603 such quantities of universal waste as are necessary to facilitate proper recovery,
604 treatment, or disposal. However, the handler bears the burden of proving that
605 such activity is solely for the purpose of accumulation of such quantities of
606 universal waste as are necessary to facilitate proper recovery, treatment, or
607 disposal.

608
609 c) A small quantity handler of universal waste that accumulates universal waste
610 must be able to demonstrate the length of time that the universal waste has been
611 accumulated from the date it becomes a waste or is received. The handler may
612 make this demonstration in any of the following ways:

- 613
- 614 1) Placing the universal waste in a container and marking or labeling the
615 container with the earliest date that any universal waste in the container
616 became a waste or was received;
- 617
- 618 2) Marking or labeling each individual item of universal waste (e.g., each
619 battery or thermostat) with the date it became a waste or was received;
- 620
- 621 3) Maintaining an on-site inventory system that identifies the date each
622 universal waste became a waste or was received;
- 623
- 624 4) Maintaining an on-site inventory system that identifies the earliest date
625 that any universal waste in a group of universal waste items or a group of
626 containers of universal waste became a waste or was received;
- 627
- 628 5) Placing the universal waste in a specific accumulation area and identifying
629 the earliest date that any universal waste in the area became a waste or was
630 received; or
- 631
- 632 6) Any other method that clearly demonstrates the length of time that the
633 universal waste has been accumulated from the date it became a waste or
634 was received.

635
636 (Source: Amended at 42 Ill. Reg. _____, effective _____)
637

638 **Section 733.118 Off-Site Shipments**

- 639
- 640 a) A small quantity handler of universal waste is prohibited from sending or taking
641 universal waste to a place other than another universal waste handler, a
642 destination facility, or a foreign destination.
- 643
- 644 b) If a small quantity handler of universal waste self-transportes universal waste off-
645 site, the handler becomes a universal waste transporter for those self-

646 transportation activities and must comply with the transporter requirements of
 647 Subpart D ~~of this Part~~ while transporting the universal waste.

648
 649 c) If a universal waste being offered for off-site transportation meets the definition
 650 of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and
 651 Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a
 652 small quantity handler of universal waste must package, label, mark, and placard
 653 the shipment and prepare the proper shipping papers in accordance with the
 654 applicable USDOT regulations under 49 CFR 171 (General Information,
 655 Regulations, and Definitions), 172 (Hazardous Materials Table, Special
 656 Provisions, Hazardous Materials Communications, Emergency Response
 657 Information, and Training Requirements), 173 (Shippers – General Requirements
 658 for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft),
 659 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications
 660 for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing
 661 Qualification and Maintenance of Packagings), incorporated by reference in 35
 662 Ill. Adm. Code 720.111(b).

663
 664 d) Prior to sending a shipment of universal waste to another universal waste handler,
 665 the originating handler must ensure that the receiving handler agrees to receive
 666 the shipment.

667
 668 e) If a small quantity handler of universal waste sends a shipment of universal waste
 669 to another handler or to a destination facility and the shipment is rejected by the
 670 receiving handler or destination facility, the originating handler must do either of
 671 the following:

- 672 1) Receive the waste back when notified that the shipment has been rejected;
- 673 or
- 674 2) Agree with the receiving handler on a destination facility to which the
- 675 shipment will be sent.

676
 677
 678 f) A small quantity handler of universal waste may reject a shipment containing
 679 universal waste or a portion of a shipment containing universal waste that it has
 680 received from another handler. If a handler rejects a shipment or a portion of a
 681 shipment, it must contact the originating handler to notify the originating handler
 682 of the rejection and to discuss reshipment of the load. The handler must perform
 683 either of the following actions:

- 684 1) Send the shipment back to the originating handler; or
- 685 2) If agreed to by both the originating and receiving handler, send the
- 686
- 687
- 688

689 shipment to a destination facility.

690

691 g) If a small quantity handler of universal waste receives a shipment containing
 692 hazardous waste that is not a universal waste, the handler must immediately notify
 693 the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East,
 694 Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal
 695 shipment, and provide the name, address, and phone number of the originating
 696 shipper. The Agency will provide instructions for managing the hazardous waste.

697

698 h) If a small quantity handler of universal waste receives a shipment of non-
 699 hazardous, non-universal waste, the handler may manage the waste in any way
 700 that is in compliance with applicable federal, State, or local solid (non-hazardous)
 701 waste regulations.

702

703 BOARD NOTE: See generally the Act-[415 ILCS-5] and 35 Ill. Adm. Code 807
 704 through 817 to determine whether additional facility siting, special waste, or non-
 705 hazardous waste regulations apply to the waste. Consult the ordinances of
 706 relevant units of local government to determine whether local requirements apply.

707

708 (Source: Amended at 42 Ill. Reg. _____, effective _____)

709

710 **Section 733.120 Exports**

711

712 A small quantity handler of universal waste that sends universal waste to a foreign destination
 713 ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case~~
 714 ~~the handler is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.) shall do the~~
 715 ~~following:~~

716

717 a) ~~Comply with the requirements applicable to a primary exporter in 35 Ill. Adm.~~
 718 ~~Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157;~~

719

720 b) ~~Export such universal waste only upon consent of the receiving country and in~~
 721 ~~conformance with the USEPA Acknowledgment of Consent, as defined in~~
 722 ~~Subpart E of 35 Ill. Adm. Code 722; and~~

723

724 e) ~~Provide a copy of the USEPA Acknowledgment of Consent for the shipment to~~
 725 ~~the transporter transporting the shipment for export.~~

726

727 (Source: Amended at 42 Ill. Reg. _____, effective _____)

728

729 **SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS**

730

731 **Section 733.133 Waste Management**

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- a) Universal waste batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries.
 - 3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) ~~of this Section~~ must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
 - A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and

775 720 through 728. The handler is considered the generator of the
776 hazardous electrolyte or other waste and is subject to 35 Ill. Adm.
777 Code 722.
778

779 B) If the electrolyte or other solid waste is not hazardous, the handler
780 may manage the waste in any way that is in compliance with
781 applicable federal, State, or local solid (non-hazardous) waste
782 regulations.
783

784 BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill.
785 Adm. Code 807 through 817 to determine whether additional
786 facility siting, special waste, or non-hazardous waste regulations
787 apply to the waste. Consult the ordinances of relevant units of
788 local government to determine whether local requirements apply.
789

790 b) Universal waste pesticides. A large quantity handler of universal waste must
791 manage universal waste pesticides in a manner that prevents releases of any
792 universal waste or component of a universal waste to the environment. The
793 universal waste pesticides must be contained in one or more of the following:
794

795 1) A container that remains closed, structurally sound, compatible with the
796 pesticide, and that lacks evidence of leakage, spillage, or damage that
797 could cause leakage under reasonably foreseeable conditions;
798

799 2) A container that does not meet the requirements of subsection (b)(1) ~~of~~
800 ~~this Section~~, provided that the unacceptable container is overpacked in a
801 container that does meet the requirements of subsection (b)(1) ~~of this~~
802 ~~Section~~;
803

804 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725,
805 except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or
806

807 4) A transport vehicle or vessel that is closed, structurally sound, compatible
808 with the pesticide, and that lacks evidence of leakage, spillage, or damage
809 that could cause leakage under reasonably foreseeable conditions.
810

811 c) Universal waste mercury-containing equipment. A large quantity handler of
812 universal waste must manage universal waste mercury-containing equipment in a
813 manner that prevents releases of any universal waste or component of a universal
814 waste to the environment, as follows:
815

816 1) A large quantity handler of universal waste must place in a container any
817 universal mercury-containing equipment with non-contained elemental

818 mercury or that shows evidence of leakage, spillage, or damage that could
819 cause leakage under reasonably foreseeable conditions. The container
820 must be closed; must be structurally sound; must be compatible with the
821 contents of the device; must lack evidence of leakage, spillage, or damage
822 that could cause leakage under reasonably foreseeable conditions; and
823 must be reasonably designed to prevent the escape of mercury into the
824 environment by volatilization or any other means.

825
826 2) A large quantity handler of universal waste may remove mercury-
827 containing ampules from universal waste mercury-containing equipment,
828 provided the handler follows each of the following procedures:

829
830 A) It removes the ampules in a manner designed to prevent breakage
831 of the ampules;

832
833 B) It removes ampules only over or in a containment device (e.g., tray
834 or pan sufficient to collect and contain any mercury released from
835 an ampule in case of breakage);

836
837 C) It ensures that a mercury clean-up system is readily available to
838 immediately transfer any mercury resulting from spills or leaks
839 from broken ampules, from the containment device to a container
840 that meets the requirements of 35 Ill. Adm. Code 722.115-134;

841
842 D) It immediately transfers any mercury resulting from spills or leaks
843 from broken ampules from the containment device to a container
844 that meets the requirements of 35 Ill. Adm. Code 722.115-134;

845
846 E) It ensures that the area in which ampules are removed is well
847 ventilated and monitored to ensure compliance with applicable
848 OSHA exposure levels for mercury;

849
850 F) It ensures that employees removing ampules are thoroughly
851 familiar with proper waste mercury handling and emergency
852 procedures, including transfer of mercury from containment
853 devices to appropriate containers;

854
855 G) It stores removed ampules in closed, non-leaking containers that
856 are in good condition; and

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858 H) It packs removed ampules in the container with packing materials
859 adequate to prevent breakage during storage, handling, and
860 transportation.

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- 3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:
 - A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
 - B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2) ~~of this Section~~.
- 4) Required hazardous waste determination and further waste management.
 - A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:
 - i) Mercury or clean-up residues resulting from spills or leaks; or
 - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).
 - B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.
 - C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~{415 ILCS 5}~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional

904 facility siting, special waste, or non-hazardous waste regulations
 905 apply to the waste. Consult the ordinances of relevant units of
 906 local government to determine whether local requirements apply.
 907

908 d) Lamps. A large quantity handler of universal waste must manage lamps in a
 909 manner that prevents releases of any universal waste or component of a universal
 910 waste to the environment, as follows:
 911

912 1) A large quantity handler of universal waste lamps must contain all lamps
 913 in containers or packages that are structurally sound, adequate to prevent
 914 breakage, and compatible with the contents of the lamps. Such containers
 915 and packages must remain closed and must lack evidence of leakage,
 916 spillage, or damage that could cause leakage under reasonably foreseeable
 917 conditions;
 918

919 2) A large quantity handler of universal waste lamps must immediately clean
 920 up and place in a container any lamp that is broken, and the large quantity
 921 handler must place in a container any lamp that shows evidence of
 922 breakage, leakage, or damage that could cause the release of mercury or
 923 other hazardous constituents to the environment. Any container used must
 924 be closed, structurally sound, compatible with the contents of the lamps,
 925 and must lack evidence of leakage, spillage, or damage that could cause
 926 leakage or releases of mercury or other hazardous constituents to the
 927 environment under reasonably foreseeable conditions; and
 928

929 3) Large quantity handlers of universal waste lamps may treat those lamps
 930 for volume reduction at the site where they were generated under the
 931 following conditions:
 932

933 A) The lamps must be crushed in a closed system designed and
 934 operated in such a manner that any emission of mercury from the
 935 crushing system must not exceed 0.1 mg/m³ when measured on the
 936 basis of time weighted average over an 8-hour period;
 937

938 B) The handler must provide notification of crushing activity to the
 939 Agency quarterly, in a form as provided by the Agency. Such
 940 notification must include the following information:
 941

942 i) Name and address of the handler;

943 ii) Estimated monthly amount of lamps crushed; and

944 iii) The technology employed for crushing, including any
 945
 946

947 certification or testing data provided by the manufacturer of
948 the crushing unit verifying that the crushing device
949 achieves the emission controls required in subsection
950 (d)(5)(A) ~~of this Section~~;

951
952 C) The handler immediately transfers any material recovered from a
953 spill or leak to a container that meets the requirements of 35 Ill.
954 Adm. Code 722.115-34, and has available equipment necessary to
955 comply with this requirement;

956
957 D) The handler ensures that the area in which the lamps are crushed is
958 well-ventilated and monitored to ensure compliance with
959 applicable OSHA exposure levels for mercury;

960
961 E) The handler ensures that employees crushing lamps are thoroughly
962 familiar with proper waste mercury handling and emergency
963 procedures, including transfer of mercury from containment
964 devices to appropriate containers; and

965
966 F) The crushed lamps are stored in closed, non-leaking containers that
967 are in good condition (e.g., no severe rusting, apparent structural
968 defects or deterioration), suitable to prevent releases during
969 storage, handling and transportation.

970
971 (Source: Amended at 42 Ill. Reg. _____, effective _____)

972
973 **Section 733.134 Labeling and Marking**

974
975 A large quantity handler of universal waste must label or mark the universal waste to identify the
976 type of universal waste, as follows:

977
978 a) Universal waste batteries (i.e., each battery), or a container or tank in which the
979 batteries are contained, must be labeled or marked clearly with any one of the
980 following phrases: "Universal Waste – Batteries" ³/₅; or "Waste Batteries" ³/₅; or
981 "Used Batteries:"

982
983 b) A container (or multiple container package unit), tank, transport vehicle or vessel
984 in which recalled universal waste pesticides as described in Section 733.103(a)(1)
985 are contained must be labeled or marked clearly as follows:

986
987 1) The label that was on or accompanied the product as sold or distributed;
988 and

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- 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides:".
- c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
 - 1) Pesticide labeling:
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) ~~of this Section~~ is not feasible, the appropriate label as required pursuant to the USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
 - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section is not feasible, another label prescribed or designated by the pesticide collection program; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides:".
- d) Universal waste mercury-containing equipment and universal waste thermostat labeling:
 - 1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste – Mercury-Containing Equipment;" , "Waste Mercury-Containing Equipment;" , or "Used Mercury-Containing Equipment:".
 - 2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury Thermostats;" , "Waste Mercury Thermostats;" , or "Used Mercury Thermostats".
- e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste – Lamps;" , "Waste Lamps;" , or "Used Lamps:".

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 733.135 Accumulation Time Limits

- a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) ~~of this Section~~ are met.

- b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

- c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways:
 - 1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

 - 2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

 - 3) Maintaining an on-site inventory system that identifies the date the universal waste being accumulated became a waste or was received;

 - 4) Maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

 - 5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

 - 6) Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.138 Off-Site Shipments

- a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
- b) If a large quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Subpart D of this Part while transporting the universal waste.
- c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers – General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.
- e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:
 - 1) Receive the waste back when notified that the shipment has been rejected; or
 - 2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

- 1119 f) A large quantity handler of universal waste may reject a shipment containing
1120 universal waste, or a portion of a shipment containing universal waste that it has
1121 received from another handler. If a handler rejects a shipment or a portion of a
1122 shipment, it must contact the originating handler to notify the originating handler
1123 of the rejection and to discuss reshipment of the load. The handler must perform
1124 either of the following actions:
1125
1126 1) Send the shipment back to the originating handler; or
1127
1128 2) If agreed to by both the originating and receiving handler, send the
1129 shipment to a destination facility.
1130
1131 g) If a large quantity handler of universal waste receives a shipment containing
1132 hazardous waste that is not a universal waste, the handler must immediately notify
1133 the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East,
1134 Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal
1135 shipment, and provide the name, address, and phone number of the originating
1136 shipper. The Agency will provide instructions for managing the hazardous waste.
1137
1138 h) If a large quantity handler of universal waste receives a shipment of non-
1139 hazardous, non-universal waste, the handler may manage the waste in any way
1140 that is in compliance with applicable federal, State, or local solid (non-hazardous)
1141 waste regulations.
1142

1143 BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through
1144 817 to determine whether additional facility siting, special waste, or non-hazardous waste
1145 regulations apply to the waste. Consult the ordinances of relevant units of local
1146 government to determine whether local requirements apply.
1147

1148 (Source: Amended at 42 Ill. Reg. _____, effective _____)
1149

1150 Section 733.139 Tracking Universal Waste Shipments

- 1151
1152 a) Receipt of shipments. A large quantity handler of universal waste must keep a
1153 record of each shipment of universal waste received at the facility. The record
1154 may take the form of a log, invoice, manifest, bill of lading, movement document,
1155 or other shipping document. The record for each shipment of universal waste
1156 received must include the following information:
1157
1158 1) The name and address of the originating universal waste handler or
1159 foreign shipper from which the universal waste was sent;
1160
1161 2) The quantity of each type of universal waste received (e.g., batteries,

- 1162 pesticides, thermostats, mercury-containing lamps);
- 1163
- 1164 3) The date of receipt of the shipment of universal waste.
- 1165
- 1166 b) Shipments off-site. A large quantity handler of universal waste must keep a
- 1167 record of each shipment of universal waste sent from the handler to other
- 1168 facilities. The record may take the form of a log, invoice, manifest, bill of lading,
- 1169 movement document, or other shipping document. The record for each shipment
- 1170 of universal waste sent must include the following information:
- 1171
- 1172 1) The name and address of the universal waste handler, destination facility,
- 1173 or foreign destination to which the universal waste was sent;
- 1174
- 1175 2) The quantity of each type of universal waste sent (e.g., batteries,
- 1176 pesticides, thermostats, mercury-containing lamps); and
- 1177
- 1178 3) The date the shipment of universal waste left the facility.
- 1179
- 1180 c) Record retention.
- 1181
- 1182 1) A large quantity handler of universal waste must retain the records
- 1183 described in subsection (a) ~~of this Section~~ for at least three years from the
- 1184 date of receipt of a shipment of universal waste.
- 1185
- 1186 2) A large quantity handler of universal waste must retain the records
- 1187 described in subsection (b) ~~of this Section~~ for at least three years from the
- 1188 date a shipment of universal waste left the facility.
- 1189
- 1190 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1191

1192 **Section 733.140 Exports**

1193

1194 A large quantity handler of universal waste that sends universal waste to a foreign destination

1195 ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case~~

1196 ~~the handler is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.) must do the~~

1197 ~~following:~~

1198

- 1199 a) ~~Comply with the requirements applicable to a primary exporter in 35 Ill. Adm.~~
- 1200 ~~Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157;~~
- 1201
- 1202 b) ~~Export such universal waste only upon consent of the receiving country and in~~
- 1203 ~~conformance with the USEPA Acknowledgement of Consent, as defined in~~
- 1204 ~~Subpart E of 35 Ill. Adm. Code 722; and~~

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- e) ~~Provide a copy of the USEPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section 733.151 Prohibitions

- a) A universal waste transporter is prohibited from the following:
 - 1) Disposing of universal waste; and
 - 2) Diluting or treating universal waste, except by responding to releases as provided in Section 733.154 or as provided in subsection (b).
- b) Transporters of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:
 - 1) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m³ when measured on the basis of time weighted average over an 8-hour period;
 - 2) The transporter must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - A) Name and address of the transporter;
 - B) Estimated monthly amount of lamps crushed; and
 - C) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (b)(1) ~~of this Section~~;
 - 3) The transporter immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115134, and has available equipment necessary to comply with this requirement;

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- 4) The transporter ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- 5) The transporter ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- 6) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.152 Waste Management

- a) A universal waste transporter must comply with all applicable USDOT regulations in 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers – General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b) for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in Section 720.111(b). For purposes of the USDOT regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of 35 Ill. Adm. Code 722. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the USDOT regulations.
- b) Some universal waste materials are regulated by the USDOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2 (Hazardous Materials Classes and Index to Hazard Class Definitions), incorporated by reference in Section 720.111(b). As universal waste shipments do not require a manifest under 35 Ill. Adm. Code 722, they may not be described by the USDOT proper shipping name "hazardous waste, (l) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by

1291 adding the word "waste:".

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1293 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1294

1295 **Section 733.153 Accumulation Time Limits**

1296

1297 a) A universal waste transporter may only store the universal waste at a universal
1298 waste transfer facility for ten days or less.

1299

1300 b) If a universal waste transporter stores universal waste for more than ten days, the
1301 transporter becomes a universal waste handler and must comply with the
1302 applicable requirements of Subpart B or C ~~of this Part~~ while storing the universal
1303 waste.

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1305 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1306

1307 **Section 733.156 Exports**

1308

1309 A universal waste transporter transporting a shipment of universal waste to a foreign destination
1310 ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case~~
1311 ~~the transporter is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.) may not~~
1312 ~~accept a shipment if the transporter knows the shipment does not conform to the USEPA~~
1313 ~~Acknowledgment of Consent. In addition the transporter must ensure the following:~~

1314

1315 a) ~~A copy of the USEPA Acknowledgment of Consent accompanies the shipment;~~
1316 ~~and~~

1317

1318 b) ~~The shipment is delivered to the facility designated by the person initiating the~~
1319 ~~shipment.~~

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1321 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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1323 **SUBPART E: STANDARDS FOR DESTINATION FACILITIES**

1324

1325 **Section 733.161 Off-Site Shipments**

1326

1327 a) The owner or operator of a destination facility is prohibited from sending or
1328 taking universal waste to a place other than a universal waste handler, another
1329 destination facility, or a foreign destination.

1330

1331 b) The owner or operator of a destination facility may reject a shipment containing
1332 universal waste, or a portion of a shipment containing universal waste. If the
1333 owner or operator of the destination facility rejects a shipment or a portion of a

1334 shipment, it must contact the shipper to notify the shipper of the rejection and to
1335 discuss reshipment of the load. The owner or operator of the destination facility
1336 must perform either of the following actions:

- 1337
- 1338 1) Send the shipment back to the original shipper; or
- 1339
- 1340 2) If agreed to by both the shipper and the owner or operator of the
- 1341 destination facility, send the shipment to another destination facility.
- 1342
- 1343 c) If the owner or operator of a destination facility receives a shipment containing
- 1344 hazardous waste that is not a universal waste, the owner or operator of the
- 1345 destination facility must immediately notify the Agency (Bureau of Land, Illinois
- 1346 EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276
- 1347 (telephone: 217-782-6761)) of the illegal shipment, and provide the name,
- 1348 address, and phone number of the shipper. The Agency will provide instructions
- 1349 for managing the hazardous waste.
- 1350
- 1351 d) If the owner or operator of a destination facility receives a shipment of non-
- 1352 hazardous, non-universal waste, the owner or operator may manage the waste in
- 1353 any way that is in compliance with applicable federal or State solid (non-
- 1354 hazardous) waste regulations.
- 1355

1356 BOARD NOTE: See generally the Act [~~415 ILCS 5~~] and 35 Ill. Adm. Code 807
1357 through 817 to determine whether additional facility siting, special waste, or non-
1358 hazardous waste regulations apply to the waste. Consult the ordinances of
1359 relevant units of local government to determine whether local requirements apply.

1360
1361 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1362
1363 **Section 733.162 Tracking Universal Waste Shipments**

- 1364
- 1365 a) The owner or operator of a destination facility must keep a record of each
- 1366 shipment of universal waste received at the facility. The record may take the
- 1367 form of a log, invoice, manifest, bill of lading, movement document, or other
- 1368 shipping document. The record for each shipment of universal waste received
- 1369 must include the following information:
- 1370
- 1371 1) The name and address of the universal waste handler, destination facility,
- 1372 or foreign shipper from which the universal waste was sent;
- 1373
- 1374 2) The quantity of each type of universal waste received (e.g., batteries,
- 1375 pesticides, thermostats, mercury-containing lamps); and
- 1376

- 1377 3) The date of receipt of the shipment of universal waste.
1378
1379 b) The owner or operator of a destination facility must retain the records described in
1380 subsection (a) ~~of this Section~~ for at least three years from the date of receipt of a
1381 shipment of universal waste.
1382

1383 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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1385 SUBPART F: IMPORT REQUIREMENTS

1386 **Section 733.170 Imports**

1387
1388
1389 Persons managing universal waste that is imported from a foreign country into the United States
1390 are subject to the requirements of Subpart H of 35 Ill. Adm. Code 722 and the applicable
1391 requirements of this Part immediately after the waste enters the United States, as indicated in
1392 subsections (a) through (c) ~~of this Section~~:
1393

- 1394 a) A universal waste transporter is subject to the universal waste transporter
1395 requirements of Subpart D ~~of this Part~~.
1396
1397 b) A universal waste handler is subject to the small or large quantity handler of
1398 universal waste requirements of Subpart B or C ~~of this Part~~, as applicable.
1399
1400 c) An owner or operator of a destination facility is subject to the destination facility
1401 requirements of Subpart E ~~of this Part~~.
1402
1403 ~~d) Persons managing universal waste that is imported from an OECD country as~~
1404 ~~specified in 35 Ill. Adm. Code 722.158(a)(1) are subject to subsections (a)~~
1405 ~~through (c) of this Section, in addition to the requirements of 35 Ill. Adm. Code~~
1406 ~~722.~~
1407

1408 (Source: Amended at 42 Ill. Reg. _____, effective _____)
1409

1410 SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

1411 **Section 733.180 General**

- 1412
1413
1414 a) Any person seeking to add a hazardous waste or a category of hazardous waste to
1415 this Part may petition for a regulatory amendment as follows:
1416
1417 1) If USEPA has already added the waste or category of waste to federal 40
1418 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and
1419 22.4(a) of the Act ~~[415 ILCS 5/7.2 and 22.4(a)]~~, 35 Ill. Adm. Code 101

1420 and 102, and 35 Ill. Adm. Code 720.120; or

1421

1422

- 2) If USEPA has not added the waste or category of waste to federal 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act [~~415 ILCS 5/22.4(b) and 27~~], 35 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code 720.120 and 720.123.

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BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

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- b) Petitions for identical-in-substance rulemaking.

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- 1) Any petition for identical-in-substance rulemaking under subsection (a)(1) ~~of this Section~~ must include a copy of the Federal Register notices of adopted amendments in which USEPA promulgated the additions to federal 40 CFR 273. The Board will evaluate any petition for identical-in-substance rulemaking based on the Federal Register notices.

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- 2) If the petitioner desires expedited Board consideration of the proposed amendments to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.

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- c) Petitions for general rulemaking.

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- 1) To be successful using the general rulemaking procedure under subsection (a)(2) ~~of this Section~~, the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:

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A) It would be appropriate for the waste or category of waste;

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B) It would improve management practices for the waste or category of waste; and

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C) It would improve implementation of the hazardous waste program.

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- 2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category

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1462

1463 addressed in the petition.

1464

1465 3) The Board will evaluate petitions for general rulemaking and grant or
1466 deny the requested relief using the factors listed in Section 733.181. The
1467 decision will be based on the weight of evidence showing that regulation
1468 under this Part would fulfill the requirements of subsection (c)(1)-of this
1469 Section.

1470

1471 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1472

1473 **Section 733.181 Factors for Petitions to Include Other Wastes**

1474

1475 a) Hazardous waste listing or characteristics. The waste or category of waste, as
1476 generated by a wide variety of generators, is listed in Subpart D of 35 Ill. Adm.
1477 Code 721, or (if not listed) a proportion of the waste stream exhibits one or more
1478 characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code
1479 721. (When a characteristic waste is added to the universal waste regulations of
1480 this Part by using a generic name to identify the waste category (e.g., batteries),
1481 the definition of universal waste in 35 Ill. Adm. Code 720.110 and Section
1482 733.109 will be amended to include only the hazardous waste portion of the waste
1483 category (e.g., hazardous waste batteries.) Thus, only the portion of the waste
1484 stream that does exhibit one or more characteristics (i.e., is hazardous waste) is
1485 subject to the universal waste regulations of this Part;

1486

1487 b) Generation by a wide variety of types of facilities. The waste or category of
1488 waste is not exclusive to a specific industry or group of industries, is commonly
1489 generated by a wide variety of types of establishments (including, for example,
1490 households, retail and commercial businesses, office complexes,
1491 ~~VSQG~~conditionally exempt small quantity generators, small businesses, or
1492 government organizations, as well as large industrial facilities);

1493

1494 c) Generation by a large number of generators. The waste or category of waste is
1495 generated by a large number of generators (e.g., more than 1,000 nationally) and
1496 is frequently generated in relatively small quantities by each generator;

1497

1498 d) Collection systems to ensure close stewardship. Systems to be used for collecting
1499 the waste or category of waste (including packaging, marking, and labeling
1500 practices) would ensure close stewardship of the waste;

1501

1502 e) Waste management standards and risk to human health and the environment. The
1503 risk posed by the waste or category of waste during accumulation and transport is
1504 relatively low compared to other hazardous wastes, and specific management
1505 standards proposed or referenced by the petitioner (e.g., waste management

1506 requirements appropriate to be added to Sections 733.113, 733.133, and 733.152;
1507 or applicable USDOT requirements) would be protective of human health and the
1508 environment during accumulation and transport;
1509

1510 f) Increased likelihood of diversion of waste from non-hazardous waste
1511 management systems. Regulation of the waste or category of waste pursuant to
1512 this Part will increase the likelihood that the waste will be diverted from non-
1513 hazardous waste management systems (e.g., the municipal waste stream, non-
1514 hazardous industrial or commercial waste stream, municipal sewer, or stormwater
1515 systems) to recycling, treatment, or disposal in compliance with Subtitle C of
1516 RCRA (42 USC 6921-6939e);
1517

1518 g) Improved implementation of the hazardous waste program. Regulation of the
1519 waste or category of waste pursuant to this Part will improve implementation of
1520 and compliance with the hazardous waste regulatory program; or
1521

1522 h) Such other factors as may be appropriate.
1523

1524 (Source: Amended at 42 Ill. Reg. _____, effective _____)

AGENCY VS. JCAR

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

PART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section

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733.103 Applicability: Pesticides
733.104 Applicability: Mercury-Containing Equipment
733.105 Applicability: Lamps
733.106 Applicability: Mercury-Containing Equipment (Repealed)
733.107 Applicability: Mercury-Containing Lamps (Repealed)
733.108 Applicability: Household and Conditionally Exempt Small
Quantity Generator Waste
733.109 Definitions

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section

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733.111 Prohibitions
733.112 Notification
733.113 Waste Management
733.114 Labeling and Marking
733.115 Accumulation Time Limits
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733.117 Response to Releases
733.118 Off-Site Shipments
733.119 Tracking Universal Waste Shipments
733.120 Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section

733.130 Applicability
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733.133 Waste Management
733.134 Labeling and Marking
733.135 Accumulation Time Limits
733.136 Employee Training
733.137 Response to Releases
733.138 Off-Site Shipments
733.139 Tracking Universal Waste Shipments
733.140 Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section

- 733.150 Applicability
- 733.151 Prohibitions
- 733.152 Waste Management
- 733.153 Accumulation Time Limits
- 733.154 Response to Releases
- 733.155 Off-site Shipments
- 733.156 Exports

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section

- 733.160 Applicability
- 733.161 Off-Site Shipments
- 733.162 Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section

- 733.170 Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section

- 733.180 General
- 733.181 Factors for Petitions to Include Other Wastes

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 R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 733.101 Scope

- a) This Part establishes requirements for managing the following:
 - 1) Batteries, as described in Section 733.102;
 - 2) Pesticides, as described in Section 733.103;

- 3) Mercury-containing equipment, as described in Section 733.104; and
 - 4) Lamps, as described in Section 733.105.
- b) This Part provides an alternative set of management standards in lieu of regulation pursuant to 35 Ill. Adm. Code 702 through 705 and 720 through 728.
- c) Electronic reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 3, ~~as added, and 40 CFR~~ 271.10(b), 271.11(b), and 271.12(h) (2017) ~~(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.102 Applicability: Batteries

- a) Batteries covered under this Part.
- 1) The requirements of this Part apply to persons managing batteries, as described in Section 733.109, except those listed in subsection (b) ~~of this Section~~.
 - 2) Spent lead-acid batteries that are not managed under Subpart G of 35 Ill. Adm. Code 726, are subject to management under this Part.
- b) Batteries not covered under this Part. The requirements of this Part do not apply to persons managing the following batteries:
- 1) Spent lead-acid batteries that are managed under Subpart G of 35 Ill. Adm. Code 726;
 - 2) Batteries, as described in Section 733.109, that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) ~~of this Section~~; or
 - 3) Batteries, as described in Section 733.109, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.
- c) Generation of waste batteries.
- 1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
 - 2) An unused battery becomes a waste on the date the handler decides to discard it.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.103 Applicability: Pesticides

a) Pesticides covered under this Part. The requirements of this Part apply to persons managing pesticides, as described in Section 733.109, that meet the following conditions, except those listed in subsection (b) ~~of this Section~~:

1) Recalled pesticides, as follows:

A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136q(b)), including, but not limited to those owned by the registrant responsible for conducting the recall; or

B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant; or

2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

b) Pesticides not covered under this Part. The requirements of this Part do not apply to persons managing the following pesticides:

1) Recalled pesticides described in subsection (a) (1) ~~of this Section~~ and unused pesticide products described in subsection (a) (2) ~~of this Section~~ that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b) (3).);

2) Pesticides not meeting the conditions set forth in subsection (a) ~~of this Section~~ must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728;

3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) ~~of this Section~~ or those that are not wastes as described in subsection (d) ~~of this Section~~; and

4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b) (3) ~~of this Section~~) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) When a pesticide becomes a waste.

1) A recalled pesticide described in subsection (a)(1) ~~of this Section~~ becomes a waste on the first date on which both of the following conditions apply:

A) The generator of the recalled pesticide agrees to participate in the recall; and

B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2) An unused pesticide product described in subsection (a)(2) ~~of this Section~~ becomes a waste on the date the generator decides to discard it.

d) Pesticides that are not wastes. The following pesticides are not wastes:

1) Recalled pesticides described in subsection (a)(1) ~~of this Section~~, provided that either of the following conditions exist:

A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or

B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and

2) Unused pesticide products described in subsection (a)(2) ~~of this Section~~, if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 42 Ill. Reg. , effective)

Section 733.105 Applicability: Lamps

a) Lamps covered under this Part. The requirements of this Part apply to persons that manage lamps, as described in Section 733.109, except those listed in subsection (b) ~~of this Section~~.

1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;

B) Mixing battery types in one container;

C) Discharging batteries so as to remove the electric charge;

D) Regenerating used batteries;

E) Disassembling batteries or battery packs into individual batteries or cells;

F) Removing batteries from consumer products; or

G) Removing electrolyte from batteries; and

3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a) (2) ~~of this Section~~, must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal waste pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b) (1) ~~of this Section~~, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b) (1) ~~of this Section~~;

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal waste mercury-containing equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:

A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.115-~~722.134~~;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.115-~~722.134~~;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2) of this Section.

4) Required hazardous waste determination and further waste management.

A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m³ when measured on the basis of time weighted average over an eight-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

- i) Name and address of the handler;
 - ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) ~~of this Section~~;
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code ~~722.115-722.134~~, 722.115, and has available equipment necessary to comply with this requirement;
- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling, and transportation.

(Source: Amended at 42 Ill. Reg. ~~_____~~, effective _____)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries~~-~~", "Waste Batteries~~-~~", or "Used Batteries".
- b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste - Pesticides" or "Waste - Pesticides~~-~~".

c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide labeling:

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) ~~of this Section~~ is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) ~~of this Section~~ is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides_T".

d) Universal waste mercury-containing equipment and universal waste thermostat labeling:

1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury-Containing ~~Mercury~~ Mercury-Containing Equipment_T", or "Waste Mercury-Containing Equipment_T", or "Used Mercury-Containing Equipment_T".

2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostats_T", or "Waste Mercury Thermostats_T", or "Used Mercury Thermostats_T".

e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste - Lamps_T", "Waste Lamps_T"_T or "Used Lamps_T".

(Source: Amended at 42 Ill. Reg. , effective)

Section 733.115 Accumulation Time Limits

a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) ~~of this Section~~ are met.

b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) A small quantity handler of universal waste that accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways:

1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3) Maintaining an on-site inventory system that identifies the date each universal waste became a waste or was received;

4) Maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

6) Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.118 Off-Site Shipments

a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

b) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste

transporter for those self-transportation activities and must comply with the transporter requirements of Subpart D ~~of this Part~~ while transporting the universal waste.

c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a small quantity handler of universal waste must package, label, mark, and placard the shipment and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers - General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:

1) Receive the waste back when notified that the shipment has been rejected; or

2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

f) A small quantity handler of universal waste may reject a shipment containing universal waste or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it must contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler must perform either of the following actions:

1) Send the shipment back to the originating handler; or

2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone:

217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 42 Ill. Reg. ~~_____~~, effective ~~_____~~)

Section 733.120 Exports

A small quantity handler of universal waste that sends universal waste to a foreign destination ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the handler is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.) shall do the following:~~

- ~~a) Comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157;~~
- ~~b) Export such universal waste only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent, as defined in Subpart E of 35 Ill. Adm. Code 722; and~~
- ~~c) Provide a copy of the USEPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.~~

(Source: Amended at 42 Ill. Reg. ~~_____~~, effective ~~_____~~)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.133 Waste Management

a) Universal waste batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of

leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

- A) Sorting batteries by type;
- B) Mixing battery types in one container;
- C) Discharging batteries so as to remove the electric charge;
- D) Regenerating used batteries;
- E) Disassembling batteries or battery packs into individual batteries or cells;
- F) Removing batteries from consumer products; or
- G) Removing electrolyte from batteries.

3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a) (2) ~~of this Section~~ must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal waste pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the

environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b) (1) ~~of this Section~~, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b) (1) ~~of this Section~~;

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal waste mercury-containing equipment. A large quantity handler of universal ~~waste~~ must manage universal waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:

A) It removes the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from

broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.115-~~722.134~~;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.115-~~722.134~~;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c) (2) ~~of this Section~~.

4) Required hazardous waste determination and further waste management.

A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720

through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A large quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m³ when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d) (5) (A) ~~of this Section~~;

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code ~~722.115-722.134~~, 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

(Source: Amended at 42 Ill. Reg. ~~_____~~, effective _____)

Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries", ~~†~~ or "Waste Batteries", ~~†~~ or "Used Batteries~~-~~".

b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a) (1) are contained must be labeled or marked clearly as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides~~-~~".

c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a) (2), are contained must be labeled or marked clearly, as follows:

1) Pesticide labeling:

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) ~~of this Section~~ is not feasible, the appropriate label as required pursuant to the USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section is not feasible, another label prescribed or designated by the pesticide collection program; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

d) Universal waste mercury-containing equipment and universal waste thermostat labeling:

1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste - Mercury Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste - Lamps", "Waste Lamps", or "Used Lamps".

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.135 Accumulation Time Limits

a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) ~~of this Section~~ are met.

b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal

c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers - General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:

1) Receive the waste back when notified that the shipment has been rejected; or

2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it must contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler must perform either of the following actions:

1) Send the shipment back to the originating handler; or

2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

2) A large quantity handler of universal waste must retain the records described in subsection (b) ~~of this Section~~ for at least three years from the date a shipment of universal waste left the facility.

(Source: Amended at 42 Ill. Reg. ~~_____~~, effective ~~_____~~)

Section 733.140 Exports

A large quantity handler of universal waste that sends universal waste to a foreign destination ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the handler is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.) must do the following:~~

~~a) Comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157;~~

~~b) Export such universal waste only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent, as defined in Subpart E of 35 Ill. Adm. Code 722; and~~

~~c) Provide a copy of the USEPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.~~

(Source: Amended at 42 Ill. Reg. ~~_____~~, effective ~~_____~~)

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section 733.151 Prohibitions

a) A universal waste transporter is prohibited from the following:

1) Disposing of universal waste; and

2) Diluting or treating universal waste, except by responding to releases as provided in Section 733.154 or as provided in subsection (b).

b) Transporters of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

1) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m³ when measured on the basis of time weighted average over an 8-hour period;

2) The transporter must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

A) Name and address of the transporter;

hazard classes specified in 49 CFR 173.2 (Hazardous Materials Classes and Index to Hazard Class Definitions), incorporated by reference in Section 720.111(b). As universal waste shipments do not require a manifest under 35 Ill. Adm. Code 722, they may not be described by the USDOT proper shipping name "hazardous waste, (1) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by adding the word "waste-".

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.153 Accumulation Time Limits

a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of Subpart B or C ~~of this Part~~ while storing the universal waste.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.156 Exports

A universal waste transporter transporting a shipment of universal waste to a foreign destination ~~other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the transporter is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.) may not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgment of Consent. In addition the transporter must ensure the following:~~

~~a) A copy of the USEPA Acknowledgment of Consent accompanies the shipment; and~~

~~b) The shipment is delivered to the facility designated by the person initiating the shipment.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section 733.161 Off-Site Shipments

a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination

facility rejects a shipment or a portion of a shipment, it must contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must perform either of the following actions:

- 1) Send the shipment back to the original shipper; or
- 2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.
- c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the shipper. The Agency will provide instructions for managing the hazardous waste.
- d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or State solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act ~~[415 ILCS 5]~~ and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.162 Tracking Universal Waste Shipments

- a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:
 - 1) The name and address of the universal waste handler, destination facility, or foreign shipper from which the universal waste was sent;
 - 2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing lamps); and
 - 3) The date of receipt of the shipment of universal waste.

b) The owner or operator of a destination facility must retain the records described in subsection (a) ~~of this Section~~ for at least three years from the date of receipt of a shipment of universal waste.

(Source: Amended at 42 Ill. Reg. ~~—~~, effective ~~_____~~)

SUBPART F: IMPORT REQUIREMENTS

Section 733.170 Imports

Persons managing universal waste that is imported from a foreign country into the United States are subject to the requirements of Subpart H of 35 Ill. Adm. Code 722 and the applicable requirements of this Part immediately after the waste enters the United States, as indicated in subsections (a) through (c) ~~of this Section~~:

a) A universal waste transporter is subject to the universal waste transporter requirements of Subpart D ~~of this Part~~.

b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of Subpart B or C ~~of this Part~~, as applicable.

c) An owner or operator of a destination facility is subject to the destination facility requirements of Subpart E ~~of this Part~~.

~~d) Persons managing universal waste that is imported from an OECD country as specified in 35 Ill. Adm. Code 722.158(a)(1) are subject to subsections (a) through (c) of this Section, in addition to the requirements of Subpart H of 35 Ill. Adm. Code 722.~~

(Source: Amended at 42 Ill. Reg. ~~—~~, effective ~~_____~~)

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section 733.180 General

a) Any person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment as follows:

1) If USEPA has already added the waste or category of waste to federal 40 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and 22.4(a) of the Act ~~[415 ILCS 5/7.2 and 22.4(a)]~~, 35 Ill. Adm. Code 101 and 102, and 35 Ill. Adm. Code 720.120; or

2) If USEPA has not added the waste or category of waste to federal 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act ~~[415 ILCS 5/22.4(b) and 27]~~, 35 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code 720.120 and 720.123.

BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

b) Petitions for identical-in-substance rulemaking.

1) Any petition for identical-in-substance rulemaking under subsection (a) (1) ~~of this Section~~ must include a copy of the Federal Register notices of adopted amendments in which USEPA promulgated the additions to federal 40 CFR 273. The Board will evaluate any petition for identical-in-substance rulemaking based on the Federal Register notices.

2) If the petitioner desires expedited Board consideration of the proposed amendments to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.

c) Petitions for general rulemaking.

1) To be successful using the general rulemaking procedure under subsection (a) (2) ~~of this Section~~, the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:

A) It would be appropriate for the waste or category of waste;

B) It would improve management practices for the waste or category of waste; and

C) It would improve implementation of the hazardous waste program.

2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.

3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c) (1) ~~of this Section~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 733.181 Factors for Petitions to Include Other Wastes

a) Hazardous waste listing or characteristics. The waste or category of waste, as generated by a wide variety of generators, is listed in Subpart D of 35 Ill. Adm. Code 721, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. (When a characteristic waste is added to the universal waste regulations of this Part by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in 35 Ill. Adm. Code 720.110 and Section 733.109 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of this Part;

b) Generation by a wide variety of types of facilities. The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, VSQGs ~~conditionally exempt small quantity generators~~, small businesses, or government organizations, as well as large industrial facilities);

c) Generation by a large number of generators. The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

d) Collection systems to ensure close stewardship. Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

e) Waste management standards and risk to human health and the environment. The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to Sections 733.113, 733.133, and 733.152; or applicable USDOT requirements) would be protective of human health and the environment during accumulation and transport;

f) Increased likelihood of diversion of waste from non-hazardous waste management systems. Regulation of the waste or category of waste pursuant to this Part will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer, or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA (42 USC 6921-6939e);

g) Improved implementation of the hazardous waste program. Regulation of the waste or category of waste pursuant to this Part will

improve implementation of and compliance with the hazardous waste regulatory program; or

h) Such other factors as may be appropriate.

(Source: Amended at 42 Ill. Reg. ~~—~~_____, effective
~~_____~~)

~~ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

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