

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

PART 809
SPECIAL WASTE HAULING

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809.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27].

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20(A) at 34 Ill. Reg. 3317, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17398, effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. 12332, effective July 18, 2012; amended in R13-08 at 37 Ill. Reg. 1206, effective January 15, 2013; amended in R19-18 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 809.101 Authority, Policy and Purposes

Pursuant to the authority contained in Sections 5, 10, 13, 21, 22, 22.01, and 22.2 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22, and 22.2], and consistent with the policy and purposes expressed in Section 20 [415 ILCS 5/20] thereof, the Board adopts

this Part. This Part prescribes the procedures for the issuance of permits to special waste transporters; for the inspection and numbering of vehicles; and for proper hauling of special wastes to approved disposal, storage and treatment sites. It is the purpose of this Part to control only wastes as defined herein.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.102 Severability

If any provision of this Part is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part as a whole or of any Subpart, Section, subsection, sentence, or clause thereof not adjudged invalid.

(Source: Amended at 23 Ill. Reg. 6842, effective July 1, 1999)

Section 809.103 Definitions

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

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

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

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

"Garbage" is waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce. [415 ILCS 5/3.200] (See "Waste".)

"Hazardous waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or

listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) or pursuant to agency guidelines consistent with the requirements of the Act and Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. [415 ILCS 5/3.220]

"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section 3.220 of the Act.

"Industrial process waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Industrial process waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. [415 ILCS 5/3.235]

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

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

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

"Permitted disposal site" means a sanitary landfill or other type of disposal site, including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment that has a

current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for disposal.

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

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

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee. [415 ILCS 5/3.315]

"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings. [415 ILCS 5/3.335]

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

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

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

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations under the Act. [415 ILCS 5/3.460]

"Solid waste" (see "Waste").

"Special waste" means any of the following:

Potentially infectious medical waste;

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

Industrial process waste or pollution control waste, except:

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

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

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

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

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

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

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

As may otherwise be determined under Section 22.9 of the Act. [415 ILCS 5/3.475]

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

"Special waste transporter" means any person who transports special waste from any location.

"Spill" means any accidental discharge of special waste.

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

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

"Treatment" means any method, technique or process, including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume.

"Treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render it nonhazardous. [415 ILCS 5/3.505]
Treatment also includes reclamation, re-use and recycling of special waste.

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

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

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

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

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135 of the Act, or industrial discharges which are point sources subject to permits

under section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq.) or any solid or dissolved material from any facility subject to The Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS 5/3.535]

"Washwater", as used in this Part, means a mixture of water, nonhazardous cleaning compounds, and residue that results from cleaning surfaces and equipment and that is collected separately from sewage.

"Wastewater", as used in this Part, means stormwater, surface water, groundwater or nonhazardous washwater that has been contaminated with used oil but has not been mixed with sewage, industrial waste or any other waste.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 809.104 Incorporations by Reference

The Board incorporates the following material by reference:

- a) CFR (Code of Federal Regulations). A copy is available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402 (202) 783-3238.

49 CFR 171	(2010)
49 CFR 172	(2010)
49 CFR 177	(2010)
49 CFR 178	(2010)
49 CFR 180	(2010)
49 CFR 383	(2010)
49 CFR 387	(2010)
49 CFR 390 through 397	(2010)

- b) This Section incorporates no later editions or amendments.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.105 Public Records

Information submitted to the Agency or Board pursuant to this Part will be withheld from or released to the public in accordance with the following:

- a) The Illinois Freedom of Information Act [5 ILCS 140];
- b) 35 Ill. Adm. Code 120; and
- c) IEPA rules implementing the Illinois Freedom of Information Act (2 Ill. Adm. Code 1828).

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

Section 809.201 Special Waste Hauling Permits-General

No person may haul or otherwise transport any special waste generated within Illinois or any special waste to be disposed of, stored, or treated within Illinois without a current, valid special waste hauling permit issued by the Agency in accordance with the requirements of this Subpart unless the transporter is exempt from the special waste hauling permit requirements under this Subpart. These regulations do not apply to on-site transportation of special waste by generators or by owners or operators of permitted special waste management facilities.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.202 Applications for Special Waste Hauling Permit-Contents

Applications for special waste hauling permits shall be made on application forms prescribed or provided by the Agency, which, at a minimum, shall require the following information:

- a) Name, address, telephone number and location of the special waste hauling vehicle owner and operator applying for the permit;
- b) A description of the number and types of special waste hauling vehicles and tanks to be used;
- c) An agreement by the special waste hauling vehicle owner and the operator identified in Section 809.202(a) that:
 - 1) Special waste loading, hauling and unloading will be conducted in compliance with all applicable State and federal laws and regulations;
 - 2) All special waste hauling vehicles and tanks used in special waste hauling will be clean and in good repair at all times when so employed;

- 3) All special waste hauling vehicles, tanks and associated piping, valving, etc., will be constructed and maintained to prevent leakage or spillage, and shall be cleanable;
 - 4) No waste may be mixed with other wastes in one tank or on one special waste hauling vehicle if such mixture results in a hazardous combination likely to cause explosion, fire or release of a dangerous or toxic gas or in violation of any applicable State or federal law or regulation;
 - 5) The special waste hauling equipment and procedures to be used shall be proper for the permitted service, be safe for the transporters, handlers, and others, and meet the requirements of all other applicable State and federal laws and regulations; and
- d) The application may require additional information deemed necessary by the Agency consistent with the requirements of the Act and Board regulations.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.203 Applications for Special Waste Hauling Permit-Signatures and Authorization

All special waste hauling permit applications shall be signed by the owner and operator of the special waste hauling vehicle; or, in the name of the owner and operator, by the owner's or operator's duly authorized agent when accompanied by evidence of authority to sign the application.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.204 Applications for Special Waste Hauling Permit-Filing and Final Action by the Agency

- a) An application for special waste hauling permit is considered filed on the date the Agency receives a properly completed application on the form prescribed or provided by the Agency and with correct fees (see Section 22.2(1) of the Act [415 ILCS 5/22.2(1)]).
- b) If the Agency fails to take final action (which includes granting or denying the special waste hauling permit as requested, or by granting the special waste hauling permit with conditions) within 90 days after the date the completed application is filed, the applicant may deem the special waste hauling permit granted for a period of one calendar year commencing on the 91st day after the application was filed.

- c) The Agency will send all denials by U.S. Registered or Certified Mail, Return Receipt Requested. All other final Agency decisions may go by regular U.S. Mail or electronic mail. The Agency will be deemed to have taken final action on the date that the notice of final action is mailed or sent. Within 35 days after the Agency's final action, the applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.
- d) The Agency will require the application to be complete. If incomplete, the application will be returned, and the transporter will be required to resubmit a complete application. The application must be consistent with the provisions of the Act and Board regulations. The Agency may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application. If the application is complete and granting it will not violate the Act or Board regulations, the Agency will grant the permit.
- e) When an application is denied because it fails to comply with the Act or Board regulations, any fees submitted with the application will be non-refundable. Any subsequent re-filing of the application will be considered a new application for which an application fee must be included in accordance with Section 22.2 of the Act.
- f) When the Agency rejects an application because it is incomplete, any fees submitted will be non-refundable. The applicant can receive credit for the payment with a resubmitted application if the resubmittal is complete and returned to the Agency within 30 days after the initial date-stamped rejection.

(Source: Amended at 37 Ill. Reg. 1206, effective January 15, 2013)

Section 809.205 Special Waste Hauling Permit Conditions

- a) In granting special waste hauling permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and the Board regulations.
- b) The applicant may deem any conditions imposed by the Agency as a denial of the special waste hauling permit for purposes of review pursuant to Section 40 of the Act.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.206 Special Waste Hauling Permit Revision

A special waste hauling permit will be automatically modified to include any relevant change in the Act or Board regulations. The Agency will revise any special waste hauling permit issued by the Agency under this Part to make the permit compatible with any such relevant changes and so notify the permittee in writing. Failure of the Agency to issue a revised permit shall not excuse the permittee from compliance with any such change.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.207 Transfer of Special Waste Hauling Permits

No special waste hauling permit is transferable from one person to another.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.208 Special Waste Hauling Permit Revocation

Violation of any special waste hauling permit conditions or failure to comply with any provisions of the Act or with any Board regulation will be grounds for sanctions as provided in the Act, including revocation of the permit as provided in the Act.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.209 Permit No Defense

The existence of a special waste hauling permit under this Part does not provide the permittee with a defense to a violation of the Act or Board regulations, except for hauling special waste without a special waste hauling permit.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.210 General Exemption from Special Waste Hauling Permit Requirements

Any person who generates a total quantity of special waste 100 kilograms (220 pounds) or less in any calendar month for disposal, storage or treatment within Illinois is exempt from the permit requirements of this Subpart and from the manifest provisions in Subpart E of this Part. This exemption shall not constitute a defense to a violation of any provision of the Act or any applicable disposal, storage or treatment requirement of 35 Ill. Adm. Code 807.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.211 Exemptions for Special Waste Transporters

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

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

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.212 Duration of Special Waste Hauling Permits

- a) Prior to January 1, 2013, all permits issued under this Part will be issued for a period not to exceed one year and are renewable. Beginning January 1, 2013, all

permits under this Part will be issued for a period not to exceed three years and are renewable.

- b) Applications for renewal of a special waste hauling permit should be made prior to the expiration date of the permit on the application forms prescribed in Section 809.302.

(Source: Amended at 37 Ill. Reg. 1206, effective January 15, 2013)

Section 809.213 Compliance with Federal Requirements

A hazardous waste transporter shall comply with all the provisions of 49 CFR 171, 172, 177, 178, 180, 383, 387, and 390 through 397, incorporated by reference in Section 809.104, if the hazardous waste is transported in Illinois.

(Source: Added at 36 Ill. Reg. 12332, effective July 18, 2012)

SUBPART C: DELIVERY AND ACCEPTANCE

Section 809.301 Requirements for Delivery of Special Waste to Transporters

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

- a) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
- b) The generator or transporter is not required to complete a manifest for the following used oil mixtures, provided that the generator complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
 - 1) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;

- 2) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000 prior to being mixed with the used oil, when:
 - A) the characteristic has been extinguished in the resultant mixture;
 - B) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
 - C) the mixture contains more than 50 percent used oil by either volume or weight;
- 3) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
- 4) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.302 Requirements for Acceptance of Special Waste from Transporters

- a) No person may accept any special waste for disposal, storage or treatment within Illinois from a special waste transporter unless the special waste transporter has a valid special waste hauling permit issued by the Agency under Subpart B of this Part and concurrently presents to the receiver of the special waste, or the receiver's agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste. The following are exceptions to this requirement:
 - 1) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.
 - 2) The generator or transporter is not required to complete a manifest for the following used oil mixtures, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):

- A) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of hazardous waste, provided that the mixture contains more than 50 percent used oil by either volume or weight;
 - B) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000 prior to being mixed with the used oil, when:
 - i) the characteristic has been extinguished in the resultant mixture;
 - ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
 - iii) the mixture contains more than 50 percent used oil by either volume or weight;
 - C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
 - D) Used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.
- b) No person may deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section 809.401 Permit Availability

Upon issuance of a special waste hauling permit, the owner and operator of any such vehicle used to transport special waste shall maintain within the vehicle a legible photocopy of the special waste hauling permit. Upon request, issuance of the special waste hauling permit shall be disclosed by the owner and operator of the vehicle to any representative of the State of Illinois (including, but not limited to, the Agency), any generator of the special waste, or any treatment, storage, or disposal facility that has handled, is handling, or will handle the special waste. Upon request by such representative, the transporter shall make available a photocopy of the special waste hauling permit to the representative. The owner and operator of the vehicle shall also comply with any otherwise applicable federal regulations.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.402 Special Waste Symbols

All vehicles used to transport special waste and packages used to contain special waste shall be labeled, marked and placarded in accordance with regulations adopted by the Illinois Department of Transportation or the United States Department of Transportation or the United States Environmental Protection Agency, whichever has jurisdiction.

(Source: Amended at 36 Ill. Reg. 12332, effective July 18, 2012)

SUBPART E: MANIFESTS, RECORDS AND REPORTING

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

- a) Any person who delivers special waste to a permitted special waste transporter must complete a manifest to accompany the special waste from delivery to the destination of the special waste. The following are exceptions to this requirement:
 - 1) The generator or transporter is not required to complete a manifest for used oil that is defined by and managed in compliance with 35 Ill. Adm. Code 739.
 - 2) The generator or transporter is not required to complete a manifest for the following used oil mixtures, provided that the generator or transporter complies with the informational requirements of 35 Ill. Adm. Code 739.146(a) and 35 Ill. Adm. Code 809.501(b):
 - A) Mixtures of used oil as defined by and managed in compliance with 35 Ill. Adm. Code 739 and hazardous waste, both generated and mixed by a conditionally exempt small quantity generator of

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

- B) Mixtures of used oil as defined by and managed in compliance with 35 Ill. Adm. Code 739 and characteristic hazardous waste, with a Btu per pound content greater than 5,000 prior to being mixed with the used oil, when:
 - i) the characteristic has been extinguished in the resultant mixture;
 - ii) both the used oil and the characteristic hazardous waste have been generated and mixed by the same generator; and
 - iii) the mixture contains more than 50 percent used oil by either volume or weight;
 - C) Mixtures of used oil as defined by and managed in accordance with 35 Ill. Adm. Code 739 and fuel or other fuel products; and
 - D) Used oil as defined by and managed in compliance with 35 Ill. Adm. Code 739 contaminated by or mixed with nonhazardous wastewater, when the used oil and the nonhazardous wastewater are generated by the same generator, and when the mixture results from use or unintentional contamination.
- b) The generator must include in the manifest the following:
- 1) The name of the generator of the special waste and generator number;
 - 2) Information stating when and where the special waste was generated;
 - 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
 - 4) The name and permit number of the transporter;
 - 5) The date of delivery; and
 - 6) The classification and quantity of the special waste delivered to the transporter.

- c) For hazardous waste, the manifest will consist of forms prescribed by USEPA for the Uniform Hazardous Waste Manifest and will be distributed in compliance with those requirements. For nonhazardous special waste, *the manifest shall consist of forms prescribed by the Agency. The forms must comply with the requirements of Section 22.01 of the Act and may be purchased from a third party.* (415 ILCS 5/22.01) The person who delivers special waste to a special waste transporter must retain the designated parts of the manifest as a record. The remaining parts of the manifest must accompany the special waste shipment. At the destination, the manifest must be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.
- d) A permitted site that receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste, or any portion or product of that waste, to a special waste transporter must be conducted under a manifest initiated by the permitted disposal, storage or treatment site.
- e) In all cases, the special waste transporter must deliver the designated parts of the complete, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter must retain the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or longer if approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste transporter must send the designated part of the completed manifest to the person who delivered the special waste to the special waste transporter.
- f) Every generator who delivers special waste to a special waste transporter, every person who accepts special waste from a special waste transporter and every special waste transporter must retain their respective parts of the special waste manifest as a record of all special waste transactions. These parts must be retained for three years and will be made available at reasonable times for inspection and photocopying by the Agency.
BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and 725 relative to RCRA hazardous wastes are not affected by this subsection.
- g) Every in-State facility that accepts nonhazardous special waste from a special waste transporter must file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. The reports should, at a minimum, include the information specified in subsection (h) and be received by the Agency no later than February 1. This subsection is

applicable to all nonhazardous special wastes that are delivered to a special waste transporter on or after January 1, 1991.

- h) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a special waste transporter under subsection (g) must include the following information:
- 1) The IEPA identification number, name and address of the facility;
 - 2) The period (calendar year) covered by the report;
 - 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;
 - 4) A description and the total quantity of each nonhazardous special waste the facility received from off-site during the period. This information must be listed by IEPA identification number of each generator;
 - 5) The method of treatment, storage or disposal for each nonhazardous special waste; and
 - 6) A certification signed by the owner or operator of the facility or the owner's or operator's authorized representative.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART F: DURATION OF SPECIAL WASTE HAULER PERMITS AND TANK NUMBERS (Repealed)

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

(Source: Repealed at 23 Ill. Reg. 6842, effective July 1, 1999)

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section 809.701 General Provision

In order to facilitate the clean-up, transportation or safe treatment, storage or disposal of any waste generated by an accidental release of any material or special waste within Illinois that constitutes a present or potential threat to health or to the environment, the Agency may give written exception from the procedural requirements of this Part and 35 Ill. Adm. Code 807 in accordance with guidelines adopted by the Agency that are consistent with Section 3003 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) and the Act and Board regulations. A written exception from the Agency under this Subpart does not constitute a defense to a violation of the Act or of this Part except for those requirements specifically stated in the written exception.

(Source: Amended at 23 Ill. Reg. 6842, effective July 1, 1999)

SUBPART H: EFFECTIVE DATES

Section 809.801 Compliance Date

Except as otherwise provided in this Subpart, any person subject to the provisions of this Part shall comply with such provisions on and after the effective date of this Part.

Section 809.802 Exceptions (Repealed)

(Source: Repealed at 23 Ill. Reg. 6842, effective July 1, 1999)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section 809.901 Definitions (Repealed)

(Source: Repealed at 16 Ill. Reg. 130, effective January 1, 1992)

Section 809.902 Disposal Methods (Repealed)

(Source: Repealed at 16 Ill. Reg. 130, effective January 1, 1992)

Section 809.903 Rendering Innocuous by Sterilization (Repealed)

(Source: Repealed at 16 Ill. Reg. 130, effective January 1, 1992)

Section 809.904 Rendering Innocuous by Incineration (Repealed)

(Source: Repealed at 16 Ill. Reg. 130, effective January 1, 1992)

Section 809.905 Recordkeeping Requirements for Generators (Repealed)

(Source: Repealed at 16 Ill. Reg. 130, effective January 1, 1992)

Section 809.906 Defense to Enforcement Action (Repealed)

(Source: Repealed at 16 Ill. Reg. 130, effective January 1, 1992)

SUBPART J: UNIFORM PROGRAM

Section 809.910 Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.911 Application for a Uniform Permit (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.912 Application for Uniform Registration (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.913 Payment of Processing and Audit Fees (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.914 Payment of Apportioned Mile Fees (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.915 Submittal of Fees (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.916 Previously Permitted Transporters (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.917 Uniform Registration and Uniform Permit Conditions (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.918 Uniform Registration and Uniform Permit Revision (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.919 Transfer of Uniform Registration and Uniform Permits (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.920 Audits and Uniform Registration and Uniform Permit Revocation (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.921 Permit No Defense (Repealed)

(Source: Repealed at 36 Ill. Reg. 12332, effective July 18, 2012)

Section 809.1001 Transporters Previously Permitted Under Uniform Hazardous Waste Transportation Permit and Registration Program

A transporter who previously obtained a Uniform Permit is not required to obtain a special waste hauler permit for the transportation of special waste in Illinois until the transporter's Uniform registration expires.

(Source: Added at 36 Ill. Reg. 12332, effective July 18, 2012)

**Appendix A
Old Rule Numbers Reference (Repealed)**

(Source: Repealed at 23 Ill. Reg. 6842, effective July 1, 1999)