**Section 723.130 Immediate Action**

a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to adequately protect human health and the environment (e.g., notify local authorities, dike the discharge area).

b) If a discharge of hazardous waste occurs during transportation and an official (of state or local government or of a federal agency) acting within the scope of his or her official responsibilities determines that immediate removal of the waste is necessary to adequately protect human health or the environment, that official may authorize the removal of the waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest.

c) An air, rail, highway, or water transporter that has discharged hazardous waste must:

1) Give notice to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15 (Immediate Notice of Certain Hazardous Materials Incidents), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

2) Report in writing to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, as required by 49 CFR 171.16 (Detailed Hazardous Materials Incident Reports), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

3) Give notice to the following State agency:

Illinois Emergency Management Agency

110 East Adams

Springfield, Illinois 62706

217-782-7860

d) A water (bulk shipment) transporter that has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 (Procedure for the Notice of Discharge), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for oil and hazardous substances.

(Source: Amended at 31 Ill. Reg. 881, effective December 20, 2006)