**Section 808.121 Generator Obligations**

a) Each person who generates waste shall determine whether the waste is a special waste.

 BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

b) No person shall deliver special waste to a transporter unless the waste is accompanied by a manifest as specified in Section 808.122, and the transporter has a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809. The following are exceptions to this prohibition:

1) The person is subject to the small quantity generator exemption of Section 808.123.

2) The transporter and waste are subject to a transporter exemption under 35 Ill. Adm. Code 809.211.

3) The Agency has determined pursuant to this Part that the waste is not a special waste.

4) The waste consists of municipal water or wastewater treatment plant sludge regulated under a sludge management plan approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.

5) The generator is not required to complete a manifest for used oil that is defined by and managed in accordance with 35 Ill. Adm. Code 739.

6) The generator 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):

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.

c) No person shall cause, threaten or allow the treatment, storage or disposal of special waste in Illinois except:

1) At a facility permitted or otherwise authorized to manage the special waste pursuant to 35 Ill. Adm. Code 703 or 807; or

2) At a facility owned and operated by such person and subject to the on-site disposal exemption of Section 21(d) of the Act.

d) No person shall deliver special waste to a transporter or a permitted facility without a supplemental wastestream permit.

e) No person shall deliver to a transporter or permitted facility special waste with a wastestream identification number unless the waste conforms with the wastestream description in the wastestream classification determination.

(Source: Amended at 34 Ill. Reg. 3310, effective February 25, 2010)