**Section** **722.113 Generator Category Determination**

A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each calendar month and may change from calendar month to calendar month. This Section sets forth procedures to determine whether a generator is a VSQG, an SQG, or an LQG for a particular calendar month, as defined in 35 Ill. Adm. Code 720.110.

a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A generator that either generates acute hazardous waste or non-acute hazardous waste in a calendar month must determine its generator category for that month by doing the following:

1) Counting the total amount of hazardous waste generated in the calendar month;

2) Subtracting from the total any amounts of waste exempt from counting, as described in subsections (c) and (d); and

3) Determining the resulting generator category for the hazardous waste generated using the table in subsection (g).

b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that generates both acute hazardous waste and non-acute hazardous waste in the same calendar month must determine its generator category for that month by doing the following:

1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;

2) Subtracting from each total any amounts of waste exempt from counting, as described in subsections (c) and (d);

3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and

4) Comparing the resulting generator categories from subsection (b)(3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.

c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:

1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;

2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;

3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c)(2);

4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a)(4) and 739;

5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;

6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;

7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity under Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300;

8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L; or

9) A hazardous waste pharmaceutical, as defined in 35 Ill. Adm. Code 726.600, that is subject to or managed under Subpart P of 35 Ill. Adm. Code 726, or a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance that is conditionally exempt under 35 Ill. Adm. Code 726.606.

d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:

1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;

2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and

3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.

e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

f) Mixing Hazardous Waste with Solid Waste

1) VSQG Waste

A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the very small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the VSQG must meet the conditions for exemption applicable to either an SQG or an LQG. The VSQG must also comply with the applicable independent requirements for either an SQG or an LQG.

C) If a VSQG's waste is mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 35 Ill. Adm. Code 739.

2) SQG and LQG Waste

A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.

B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

g) Generator Categories Based on Quantity of Waste Generated in a Calendar Month

|  |  |  |  |
| --- | --- | --- | --- |
| Quantity of acute hazardous waste generated in a calendar month | Quantity of non-acute hazardous waste generated in a calendar month | Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month | Generator category |
| > 1 kg  (> 2.2 lb) | Any amount | Any amount | LQG |
| Any amount | ≥ 1,000 kg  (≥ 2,200 lbs) | Any amount | LQG |
| Any amount | Any amount | > 100 kg  (> 220 lbs) | LQG |
| ≤ 1 kg  (≤ 2.2 lbs) | > 100 kg and < 1,000 kg  (> 220 lbs and < 2,200 lbs) | ≤ 100 kg  (≤ 220 lbs) | SQG |
| ≤ 1 kg  (≤ 2.2 lbs) | ≤ 100 kg | ≤ 100 kg  (≤ 220 lbs) | VSQG |

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)