

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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STATE OF ILLINOIS
Pollution Control Board

- 1) Heading of the Part: Special Waste Hauling
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
809.204	Amend
809.212	Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01 and 22.2 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of September 20, 2012 in docket R13-08.

The Board proposes these amendments to implement a provision of PA 97-1081, effective August 24, 2012, which amends Section 22.2(1) of the Act by extending the duration of special waste hauling permits from one year to three years. See 415 ILCS 5/22.2(1); PA 97-1081. This extension becomes applicable on January 1, 2013. The Board proposes to amend 35 Ill. Adm. Code 809.212 (Duration of Special Waste Hauling Permits) to make it consistent with this statutory revision. The Board also proposes to amend 35 Ill. Adm. Code 809.204(a) (Applications for Special Waste Hauling Permit - Filing and Final Action by the Agency) to clarify that special waste hauling permit application fees are established by statute.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: In preparing its proposal, PCB did not use a research report or a published study or other source of underlying data.
- 7) Will this rulemaking replace any emergency rulemaking 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 proposed 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

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805/3(b)].

- 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 publication. Comments should refer to docket R13-8 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

312/814-3629

Interested persons may request copies of the Board's opinion and order in R13-8 by calling the Clerk's office or may download copies from the Board's Web site at www.ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: In implementing PA 97-220, the proposed rules would affect any small business, small municipality, and not-for-profit corporation transporting special waste in or to an Illinois facility or generating special waste in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: By extending the duration of special waste hauling permits and reducing the number of applications for permit renewal to be filed by haulers, the Board expects that these amendments implementing PA 97-1081 would reduce the reporting and other procedures performed by affected entities.
 - C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the special waste hauling permit program will be required to comply with the proposed amendments.
- 14) Regulatory Agenda in which these amendments were summarized: The Board is implementing a provision of PA 97-1081, which became effective August 24, 2012. Specifically, the Board proposes to amend its special waste hauling regulations to make it consistent with statutory revisions becoming applicable January 1, 2012. Consequently, this proposal did not appear in the Board's July 2012 Regulatory Agenda.

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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 i: SOLID WASTE AND SPECIAL WASTE HAULING

5
6 PART 809
7 SPECIAL WASTE HAULING

8
9 SUBPART A: GENERAL PROVISIONS

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- 10
11 Section
12 809.101 Authority, Policy and Purposes
13 809.102 Severability
14 809.103 Definitions
15 809.104 Incorporations by Reference
16 809.105 Public Records

17
18 SUBPART B: SPECIAL WASTE HAULING PERMITS

- 19
20 Section
21 809.201 Special Waste Hauling Permits – General
22 809.202 Applications for Special Waste Hauling Permit – Contents
23 809.203 Applications for Special Waste Hauling Permit – Signatures and Authorization
24 809.204 Applications for Special Waste Hauling Permit – Filing and Final Action by the
25 Agency
26 809.205 Special Waste Hauling Permit Conditions
27 809.206 Special Waste Hauling Permit Revision
28 809.207 Transfer of Special Waste Hauling Permits
29 809.208 Special Waste Hauling Permit Revocation
30 809.209 Permit No Defense
31 809.210 General Exemption from Special Waste Hauling Permit Requirements
32 809.211 Exemptions for Special Waste Transporters
33 809.212 Duration of Special Waste Hauling Permits
34 809.213 Compliance with Federal Requirements

35
36 SUBPART C: DELIVERY AND ACCEPTANCE

- 37
38 Section
39 809.301 Requirements for Delivery of Special Waste to Transporters
40 809.302 Requirements for Acceptance of Special Waste from Transporters

41
42 SUBPART D: PERMIT AVAILABILITY AND SYMBOLS
43

44	Section	
45	809.401	Permit Availability
46	809.402	Special Waste Symbols
47		
48		SUBPART E: MANIFESTS, RECORDS AND REPORTING
49		
50	Section	
51	809.501	Manifests, Records, Access to Records, Reporting Requirements and Forms
52		
53		SUBPART F: DURATION OF <u>SPECIAL WASTE HAULER PERMITS</u> AND TANK
54		NUMBERS
55		
56	Section	
57	809.601	Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)
58		
59		SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS
60		
61	Section	
62	809.701	General Provision
63		
64		SUBPART H: EFFECTIVE DATES
65		
66	Section	
67	809.801	Compliance Date
68	809.802	Exceptions (Repealed)
69		
70		SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE
71		
72	Section	
73	809.901	Definitions (Repealed)
74	809.902	Disposal Methods (Repealed)
75	809.903	Rendering Innocuous by Sterilization (Repealed)
76	809.904	Rendering Innocuous by Incineration (Repealed)
77	809.905	Recordkeeping Requirements for Generators (Repealed)
78	809.906	Defense to Enforcement Action (Repealed)
79		
80		SUBPART J: REQUIREMENTS FOR HAULERS PREVIOUSLY PERMITTED
81		UNDER THE UNIFORM PROGRAM
82		
83	Section	
84	809.910	Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)
85		
86	809.911	Application for a Uniform Permit (Repealed)

- 87 809.912 Application for Uniform Registration (Repealed)
- 88 809.913 Payment of Processing and Audit Fees (Repealed)
- 89 809.914 Payment of Apportioned Mile Fees (Repealed)
- 90 809.915 Submittal of Fees (Repealed)
- 91 809.916 Previously Permitted Transporters (Repealed)
- 92 809.917 Uniform Registration and Uniform Permit Conditions (Repealed)
- 93 809.918 Uniform Registration and Uniform Permit Revision (Repealed)
- 94 809.919 Transfer of Uniform Registration and Uniform Permits (Repealed)
- 95 809.920 Audits and Uniform Registration and Uniform Permit Revocation (Repealed)
- 96 809.921 Permit No Defense (Repealed)
- 97 809.1001 Transporters Previously Permitted Under Uniform Hazardous Waste
- 98 Transportation Permit and Registration Program
- 99

100 809.APPENDIX A Old Rule Numbers Referenced (Repealed)

101
 102 AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by
 103 Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and
 104 27] (see P.A. 90-219).

105
 106 SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979;
 107 emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7,
 108 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg.
 109 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB
 110 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg.
 111 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective
 112 September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8
 113 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended
 114 in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635,
 115 effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999;
 116 amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20(A)
 117 at 34 Ill. Reg. 3317, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17398,
 118 effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. 12332, effective July 18, 2012;
 119 amended in R13-08, at 36 Ill. Reg. _____, effective _____.

120

121 SUBPART B: SPECIAL WASTE HAULING PERMITS

122

123 **Section 809.204 Applications for Special Waste Hauling Permit – Filing and Final Action**
 124 **by the Agency**

125

- 126 a) An application for special waste hauling permit is considered filed on the date the
- 127 Agency receives a properly completed application on the form prescribed or
- 128 provided by the Agency and with correct fees (see Section 22.2(1) of the Act [415
- 129 ILCS 5/22.2(1)]).

- 130
131 b) If the Agency fails to take final action (which includes granting or denying the
132 special waste hauling permit as requested, or by granting the special waste
133 hauling permit with conditions) within 90 days after the date the completed
134 application is filed, the applicant may deem the special waste hauling permit
135 granted for a period of one calendar year commencing on the 91st day after the
136 application was filed.
137
138 c) The Agency will send all denials by U.S. Registered or Certified Mail, Return
139 Receipt Requested. All other final Agency decisions may go by regular U.S. Mail
140 or electronic mail. The Agency will be deemed to have taken final action on the
141 date that the notice of final action is mailed or sent. Within 35 days after the
142 Agency's final action, the applicant may appeal the Agency's decision to the
143 Board in the manner provided for the review of permits in Section 40 of the Act.
144
145 d) The Agency will require the application to be complete. If incomplete, the
146 application will be returned, and the transporter will be required to resubmit a
147 complete application. The application must be consistent with the provisions of
148 the Act and Board regulations. The Agency may undertake such investigations
149 and request the applicant to furnish such proof as it deems necessary to verify the
150 information and statements made in the application. If the application is complete
151 and granting it will not violate the Act or Board regulations, the Agency will grant
152 the permit.
153
154 e) When an application is denied because it fails to comply with the Act or Board
155 regulations, any fees submitted with the application will be non-refundable. Any
156 subsequent re-filing of the application will be considered a new application for
157 which an application fee must be included in accordance with Section 22.2 of the
158 Act.
159
160 f) When the Agency rejects an application because it is incomplete, any fees
161 submitted will be non-refundable. The applicant can receive credit for the
162 payment with a resubmitted application if the resubmittal is complete and
163 returned to the Agency within 30 days after the initial date-stamped rejection.
164

165 (Source: Amended at 36 Ill. Reg. _____, effective _____)
166

167 **Section 809.212 Duration of Special Waste Hauling Permits**
168

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

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- 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 36 Ill. Reg. _____, effective _____)

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PART 809
SPECIAL WASTE HAULING

SUBPART A: GENERAL PROVISIONS

Section	
809.101	Authority, Policy and Purposes
809.102	Severability
809.103	Definitions
809.104	Incorporations by Reference
809.105	Public Records

SUBPART B: SPECIAL WASTE HAULING PERMITS

Section	
809.201	Special Waste Hauling Permits—General
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SUBPART C: DELIVERY AND ACCEPTANCE

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809.301	Requirements for Delivery of Special Waste to Transporters

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809.302 Requirements for Acceptance of Special Waste from Transporters

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section

809.401 Permit Availability

809.402 Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section

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

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

Section

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

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section

809.701 General Provision

SUBPART H: EFFECTIVE DATES

Section

809.801 Compliance Date

809.802 Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section

809.901 Definitions (Repealed)

809.902 Disposal Methods (Repealed)

809.903 Rendering Innocuous by Sterilization (Repealed)

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809.906 Defense to Enforcement Action (Repealed)

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SUBPART J: REQUIREMENTS FOR HAULERS PREVIOUSLY PERMITTED
UNDER THE UNIFORM PROGRAM

Section	
809.910	Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)
809.911	Application for a Uniform Permit (Repealed)
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effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. ~~12232~~, [12332](#), effective July 18, 2012; amended in R13-08, at 36 Ill. Reg. - _____, effective _____.

SUBPART B: SPECIAL WASTE HAULING PERMITS

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 ~~pursuant to~~([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

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Legend:	
<u>Insertion</u>	
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Style change	
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Padding cell	

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Total changes	37