

ILLINOIS POLLUTION CONTROL BOARD  
January 17, 2019

IN THE MATTER OF: )  
 )  
AMENDMENTS TO MANIFESTING ) R19-18  
REQUIREMENTS: SPECIAL WASTE ) (Rulemaking - Land)  
HAULING 35 ILL. ADM. CODE 809 )

ORDER OF THE BOARD (by U. Choe):

On November 27, 2018, the Illinois Environmental Protection Agency (IEPA) proposed that the Board amend Part 809 (Special Waste Hauling) of its solid waste and special waste hauling regulations. *See* 35 Ill. Adm. Code 809. Accompanying the proposal was IEPA's Statement of Reasons (SR) and other documents. *See* 35 Ill. Adm. Code 102.202(b).

The United States Environmental Protection Agency (USEPA) launched its Hazardous Waste Electronic Manifest System (e-Manifest System) on June 30, 2018. SR at 1. Prior to the e-Manifest System, USEPA utilized a six-part paper Uniform Hazardous Waste Manifest (Uniform Manifest) that was mandatory for all hazardous waste shipments. SR at 2. Due to the Uniform Manifest's "comprehensiveness and widespread acceptance in the field" Illinois adopted the Uniform Manifest system for the transportation of state regulated non-hazardous special wastes in addition to hazardous wastes. *Id.* However, IEPA states that the introduction of the e-Manifest System added additional USEPA regulatory burdens and costs to non-hazardous special waste transportation that USEPA intended for hazardous waste transportation. *Id.*

IEPA argues that the amendments to Part 809 "would allow Illinois transporters of non-hazardous special waste to obtain and use functionally identical manifests to track such waste while avoiding the significant costs and burdens associated with utilization of USEPA's e-Manifest system." SR at 1.

The Board finds that IEPA's proposal satisfies the content requirements (35 Ill. Adm. Code 102.202) and accepts the proposal for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Environmental Protection Act and the Board's procedural rules (415 ICLS 5/27, 28 (2016); 35 Ill. Adm. Code 102). After conducting hearings on IEPA's proposal, the Board will determine whether to proceed to first notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 17, 2019, by a vote of 5-0.

  
Don A. Brown, Clerk  
Illinois Pollution Control Board