

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1984

IN THE MATTER OF:)
)
NON-HAZARDOUS SPECIAL WASTE) R84-43
MANIFESTS)

ORDER OF THE BOARD (by J. D. Dumelle):

Public Act 83-1461, which became effective on September 17, 1984, contains the following directive:

Sec. 22.01. By January 1, 1986, the Board shall review and consider the repeal of any existing rule or regulation that requires manifests for the shipment of non-hazardous special wastes. However, the Board shall adopt regulations that require that facilities accepting non-hazardous special wastes file a report with the Agency on an annual basis, specifying the quantities and disposition of non-hazardous special wastes accepted for treatment, storage or disposal.

Nothing in this Section shall be interpreted or construed to prohibit any company treating, storing or disposing of non-hazardous special wastes from requiring manifests to be submitted to it for such wastes. (Ill. Rev. Stat. 1983, ch. 111½, new par. 1022.01, as amended by P.A. 83-1461, effective September 17, 1984.)

In response to this directive, the Board hereby establishes a docket for the review and consideration of the manifest requirement for non-hazardous special wastes. To begin this review, the Board authorizes the holding of Inquiry Hearings designed to solicit comment on the following topics:

1. The purpose and history of the manifest requirement for special wastes;
2. The criteria or characteristics for distinguishing those wastestreams which require greater and lesser degrees of regulation with regard to transportation and handling, e.g. degree of hazard to health or the environment posed by a waste, the difficulty involved in managing a waste due to its volume or nature, the concentration levels of hazardous constituents in a waste, etc.;

3. The significance of the intended management technique to the manifest requirement, e.g. whether the waste will be stored, incinerated, treated or landfilled, or whether the waste will be disposed of in a landfill not equipped with a leachate collection system, etc.;
4. The factors justifying repeal of the manifest requirement with regard to specific non-hazardous special wastestreams; and
5. The legislative intent with regard to which wastestreams should be made subject to the annual report and the content of the annual report envisioned by the new statutory language.

Comments on other issues related to the special waste manifest requirement are also welcome. Comments may either be presented orally at the Inquiry Hearings or mailed to the Clerk of the Board at 309 W. Washington St., Suite 300, Chicago, IL 60606.

Commentors are directed for reference to the following statutory and regulatory provisions:

Illinois Environmental Protection Act, Sections 3(i), (j), (l), (t), (ll), Section 21(j) (35 Ill. Rev. Stat. 1983, ch. 111½, pars. 1003 and 1021.)

Rules and Regulations of the Pollution Control Board, Subtitle G, Part 809 (35 Ill. Adm. Code 809).

In furtherance of this review, the Board hereby requests that the Illinois Environmental Protection Agency submit to the Board for the record in this proceeding as soon as practicable any criteria, administrative guidelines, procedures, or listings used in administering and applying the special waste manifest regulations.

The Board is aware that the Department of Energy and Natural Resources, pursuant to P.A. 83-1268, is mandated "to complete a study of the benefits and feasibility of establishing a system of classifying and regulating special wastes according to their degree of hazard." This study is to be submitted to the Board by July 1, 1985 and will be the subject of Board hearings. Although this study will encompass a broader inquiry into the special waste category, it will undoubtedly provide a useful data base for consideration in this docket and will be made a part of the record in this proceeding.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20th day of December, 1984 by a vote of 5-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board