## ILLINOIS POLLUTION CONTROL BOARD January 21, 1982

In the matter of: ) ) R81-31 CHAPTER 9 RCRA REVISIONS )

PROPOSAL BY THE BOARD FOR INQUIRY HEARINGS ORDER OF THE BOARD (by D. Anderson):

The Board has recently adopted rules corresponding to federal RCRA rules of 40 CFR Parts 260-265 (R81-22, Orders of September 16 and December 3, 1981; 5 Ill. Reg. 9781, October 2, 1981). It is now necessary to amend existing Board rules to agree with the RCRA rules. The Board hereby proposes to make a draft proposal available to the public and schedule inquiry hearings leading to amendment of Chapter 9: Special Waste Transportation.

This proposal is made in codified form. Also pending before the Board is a proposal to codify Chapter 9 (R81-9). This will be consolidated with R81-31 in the event the latter is adopted prior to the codification deadline. In the interim R81-9 will be reserved for codification without substantive changes should R81-31 be delayed.

The Board retained jurisdiction to make RCRA related changes at the time it adopted Chapter 9 (R76-10, March 15, 1979, 33 PCB 131). The Board may in the future consolidate R81-31 with R76-10 if it appears advisable.

Also pending before the Board is a proposal by the Illinois Environmental Protection Agency (Agency) to amend Chapter 7 (R80-20). The Board is awaiting an amended proposal. The Board assumes that the amended proposal will include codification and RCRA related changes. If not, the Board will propose them under R81-7 or a new docket. R81-31 will deal with Chapter 9 only.

The following is a summary of the R81-31 proposal:

Definition of Hazardous: The definitions of hazardous will be made exactly the same in Chapter 9 and the RCRA rules (§721.103). The RCRA small quantity rule will be changed from 1000 kg to 100 kg to coincide with the existing Chapter 9 exclusion. This will allow simplification of Part 700. The Board solicits comments on whether it would be better to retain the 1000 kg small quantity RCRA rule.

Transporter Permits: The special waste hauler permits will be continued. This will satisfy the new hazardous waste transporter permit requirement of §21(g) of the Act. Manifest Requirements: The Chapter 9 manifest will be abolished. Non-hazardous special waste will not require a manifest at all. Hazardous waste transportation will require a manifest only under Parts 722-725. The hazardous waste manifest rules have already been modified to include Chapter 9 features (R81-22). These rules will be proposed for readoption with the changes already made.

Reporting: The RCRA annual reports will be dropped. These have been rendered unnecessary by the modification in the federal manifest requirements to provide copies of manifests to the Agency. The Agency will track all hazardous waste and generate any needed reports. On the other hand, a quarterly reporting system will be adopted for non-hazardous special waste. This will operate in lieu of the manifest system.

Relisting of PCB's: Polychlorinated biphenyls were listed as hazardous wastes by Agency criteria. P.A. 82-380 repealed this authority. PCB's are not however listed as federal hazardous wastes. They were therefore not relisted with adoption of Part 721. The Board now proposes to list PCB's as acute hazardous wastes.

Hazardous Hospital Waste: Subpart F of Part 700 will be moved to Subpart A of Part 736. Part IX of Chapter 9 will be codified as Subparts B and C of Part 736.

Codification of Chapter 9: Parts I through VIII of Chapter 9 will be codified as Part 706.

A draft of the proposal will be made available to the public, although it will not be set forth in this Order. Notice of this action and availability of the proposal will be published in the Environmental Register.

The Board at this time proposes to adopt rules following hearings and ordinary rulemaking pursuant to §22.4(b) of the Act. However, as noted above, the Board may utilize the record in R76-10.

At least one hearing will be scheduled in this matter. The public is invited to submit written comments and alternative proposals in advance of the hearing date. Any person desiring to become a proponent of this or any alternative proposal should so indicate. Following the first hearing the Board will consider revision of the proposal and designation of a proponent. Additional hearings and publication in the Illinois Register will also be considered at that time. The text of the draft proposal reflects amendments to the RCRA rules proposed December 3, 1981. The proposal will require revision in the event these are not adopted as proposed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the <u>JIST</u> day of \_\_\_\_\_\_, 1982 by a vote of <u>4-0</u>\_\_\_\_\_.

Christan L. Moffett/ Clerk Illinois Pollution Control Board