

Board Adopts “Identical-in-Substance” Amendments to Hazardous Waste, MSWLF, and UIC Rules

On October 4, 2018, the Board adopted “identical-in-substance” amendments to Illinois’ rules on hazardous waste, Municipal Solid Waste Landfills (MSWLFs), and underground injection control (UIC). Many of the rule amendments were driven by United States Environmental Protection Agency (USEPA) actions that occurred during the second half of 2016 and the second half of 2017. These actions included USEPA’s adoption of the Generator Improvements Rule (GIR) and the Hazardous Waste Export-Import Revisions.

In its October 4, 2018 opinion, the Board noted that it would delay filing the adopted amendments for 30 days to allow USEPA review—after that, the Board would file the final amendments with the Office of the Secretary of State, when they would become effective. The Board also stated that it would take advantage of this customary 30-day delay by accepting additional public comment on two rules the Board had significantly revised since issuing its proposal for public comment: (1) 35 Ill. Adm. Code 722.333, relating to additional episodic events; and (2) the definition of “municipal solid waste landfill unit” in 35 Ill. Adm. Code 810.103. In turn, the Illinois Environmental Protection Agency (IEPA) timely filed a public comment, which the Board addressed in a supplemental opinion and order of November 15, 2018. IEPA requested substantive changes to the two rules and identified errors in other rules. The Board corrected the errors but declined to make the substantive changes for reasons articulated in the supplemental opinion.

This Board rulemaking is captioned RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), docket R17-14, RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), docket R17-15, RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2017 through December 31, 2017), docket R18-12, and UIC Update: Miscellaneous Non-Substantive Revisions and Corrections to 35 Ill. Adm. Code 704, 705, 730, and 738, docket R18-31 (consol.). Here is a link to the Board’s [supplemental opinion and order](#), which includes the final rule text. For more information, please contact Michael McCambridge at 312-814-6924 or Michael.McCambridge@Illinois.Gov.