

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Standards Applicable to Transporters of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 723

3) Section Number: 723.111 Proposed Action: Amendment



4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 723 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 722, 724, 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

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Pollution Control Board

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

The following briefly summarizes the federal action in the update periods:

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

Specifically, the amendment to Part 723 standardizes use of USEPA Form 8700-12.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the

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details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-11.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule 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 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 805].
- 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 this publication. Comments should reference docket R19-11 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R19-11:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board

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100 W. Randolph, 11-500
Chicago IL 60601

312/814-6924
e-mail: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at pcb.illinois.gov

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30 (2018)] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

The full text of the Proposed Amendment begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 723
7 STANDARDS APPLICABLE TO
8 TRANSPORTERS OF HAZARDOUS WASTE
9

10 SUBPART A: GENERAL
11

12	Section	
13	723.110	Scope
14	723.111	USEPA Identification Number
15	723.112	Transfer Facility Requirements
16	723.113	Electronic Reporting

17
18 SUBPART B: COMPLIANCE WITH THE MANIFEST
19 SYSTEM AND RECORDKEEPING
20

21	Section	
22	723.120	The Manifest System
23	723.121	Compliance with the Manifest
24	723.122	Recordkeeping
25	723.125	Electronic Manifest Signatures

26
27 SUBPART C: HAZARDOUS WASTE DISCHARGES
28

29	Section	
30	723.130	Immediate Action
31	723.131	Discharge Cleanup

32
33 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
34 Environmental Protection Act [415 ILCS 5].
35

36 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
37 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg.
38 11961, effective July 24, 1985; amended in R86-19 at 10 Ill. Reg. 20718, effective December 2,
39 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at
40 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945,
41 effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 589, effective
42 December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17965, effective September
43 28, 1998; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3180, effective February 23, 2006;

44 amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 881, effective December 20, 2006; amended
45 in R07-5/R07-14 at 32 Ill. Reg. 11969, effective July 14, 2008; amended in R11-2/R11-16 at 35
46 Ill. Reg. 17959, effective October 14, 2011; amended in R15-1 at 39 Ill. Reg. 1711, effective
47 January 12, 2015; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22595, effective
48 November 19, 2018; amended in R19-3 at 43 Ill. Reg. 585, effective December 6, 2018;
49 amended in R19-11 at 43 Ill. Reg. _____, effective _____.

50
51 SUBPART A: GENERAL

52
53 **Section 723.111 USEPA Identification Number**

- 54
55 a) A transporter must not transport hazardous waste without having received a
56 USEPA identification number from the Administrator.
57
58 b) A transporter who has not received a USEPA identification number may obtain
59 one by applying to ~~the Agency~~USEPA Region 5 using Notification of RCRA
60 Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12).~~The~~
61 ~~transporter must obtain a copy of the form from the Agency, Bureau of Land~~
62 ~~(217-782-6762), and submit a completed copy of the form to the Bureau of Land,~~
63 ~~in addition to notification to USEPA Region 5.~~ Upon receiving the request, the
64 USEPA Region 5 will assign a USEPA identification number to the transporter.
65

66 BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land
67 (217-782-6762). It is also available on-line for download in PDF file format:
68 www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-
69 transporters-and-treatment-storage-and.
70

71 (Source: Amended at 43 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 723
STANDARDS APPLICABLE TO
TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
723.110 Scope
723.111 USEPA Identification Number
723.112 Transfer Facility Requirements
723.113 Electronic Reporting

SUBPART B: COMPLIANCE WITH THE MANIFEST
SYSTEM AND RECORDKEEPING

Section
723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping
723.125 Electronic Manifest Signatures

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section
723.130 Immediate Action
723.131 Discharge Cleanup

AUTHORITY: Implementing ~~Section~~Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/~~7.2, 22.4 and 27~~].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19 at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 589, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17965, effective September 28, 1998; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3180, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 881, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11969, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 17959, effective October 14, 2011; amended in R15-1 at 39 Ill. Reg. 1711, effective January 12, 2015; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22595, effective November 19, 2018; amended in R19-3 at

43 Ill. Reg. 585, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 723.111 USEPA Identification Number

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b) A transporter who has not received a USEPA identification number may obtain one by applying to the Agency ~~USEPA Region 5~~ using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). ~~The transporter must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5.~~ Upon receiving the request, ~~the~~ USEPA Region 5 will assign a USEPA identification number to the transporter.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format:

www.epa.gov/?hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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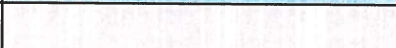

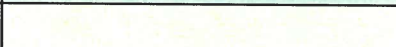

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