

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards Applicable to Transporters of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 723
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
723.110	Amend
723.111	Amend
723.112	Amend
- 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 R11-2/R11-16 rulemaking that also affects 35 Ill. Adm. Code 702, 720, 721, 722, 724, 725, 726, and 728, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R11-2/R11-16 rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of June 2, 2011, proposing amendments in docket R11-2/R11-16, which opinion and order is available from the address below.

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Specifically, the amendments to Part 723 implement segments of the January 8, 2010 federal amendments to the hazardous waste import and export requirements and the federal technical corrections and clarifications of March 18, 2010. The amendments include a number of non-substantive corrections and clarifications added by the Board.

Tables appear in the Board's opinion and order of June 2, 2011 in docket R11-2/R11-16 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 2, 2011 opinion and order in docket R11-2/R11-16.

Section 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).

## POLLUTION CONTROL BOARD

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Phone: 312/814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 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 that generate, transport, treat, store, or dispose of hazardous waste.
  - 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.
  - 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.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2010 and December 2010

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

EXEMPT

JCAR350723-1109555r01

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  
26 SUBPART C: HAZARDOUS WASTE DISCHARGES  
27

28	Section	
29	723.130	Immediate Action
30	723.131	Discharge Cleanup

31  
32 AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental  
33 Protection Act [415 ILCS 5/22.4 and 27].  
34

35 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and  
36 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg.  
37 11961, effective July 24, 1985; amended in R86-19, at 10 Ill. Reg. 20718, effective December 2,  
38 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at  
39 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945,  
40 effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 589, effective  
41 December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17965, effective September  
42 28, 1998; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3180, effective February 23, 2006;  
43 amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 881, effective December 20, 2006; amended

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44 in R07-5/R07-14 at 32 Ill. Reg. 11969, effective July 14, 2008; amended in R11-2/R11-16 at 35  
45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

47 SUBPART A: GENERAL

48  
49 **Section 723.110 Scope**

- 50  
51 a) These regulations establish standards which apply to persons transporting  
52 hazardous waste into, out of or through Illinois if the transportation requires a  
53 manifest under 35 Ill. Adm. Code 722.  
54  
55 b) These regulations do not apply to on-site transportation of hazardous waste by  
56 generators or by owners or operators of permitted hazardous waste management  
57 facilities.  
58  
59 c) A transporter of hazardous waste must also comply with 35 Ill. Adm. Code 722,  
60 "Standards Applicable to Generators of Hazardous Waste," if either of the  
61 following occurs:  
62  
63 1) It transports hazardous waste into the United States from abroad; or  
64  
65 2) It mixes hazardous waste of different DOT shipping descriptions by  
66 placing them into a single container.  
67  
68 d) A transporter of hazardous waste subject to the manifesting requirements of 35 Ill.  
69 Adm. Code 722 or the waste management standards of 35 Ill. Adm. Code 733 that  
70 is being imported from or exported to any of the countries listed in 35 Ill. Adm.  
71 Code 722.158(a)(1) for purposes of recovery is subject to this Subpart and to all  
72 other relevant requirements of 35 Ill. Adm. Code 722.Subpart H, including, but  
73 not limited to, 35 Ill. Adm. Code 722.184 for ~~movement~~tracking documents.  
74  
75 e) The regulations in this Part do not apply to transportation during an explosives or  
76 munitions emergency response, conducted in accordance with 35 Ill. Adm. Code  
77 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or  
78 (c)(11)(D), and 35 Ill. Adm. Code 703.121(a)(4) or (c).  
79  
80 f) 35 Ill. Adm. Code 726.303 identifies how the requirements of this Part apply to  
81 military munitions classified as solid waste under 35 Ill. Adm. Code 726.302.

82  
83 (Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

84  
85 **Section 723.111 USEPA Identification Number**

86

- 87 a) A transporter must not transport hazardous waste without having received a  
88 ~~USEPA~~EPA identification number from the Administrator.  
89
- 90 b) A transporter who has not received a ~~USEPA~~EPA identification number may  
91 obtain one by applying to ~~USEPA Region 5~~the Administrator using ~~USEPA~~EPA  
92 Form 8700-12. The transporter must obtain a copy of the form from the Agency,  
93 Bureau of Land (217-782-6762), and submit a completed copy of the form to the  
94 Bureau of Land, in addition to notification to USEPA Region 5. Upon receiving  
95 the request, ~~USEPA Region 5~~the Administrator will assign a ~~USEPA~~EPA  
96 identification number to the transporter.  
97

98 (Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
99

100 **Section 723.112 Transfer Facility Requirements**  
101

102 A transporter who stores manifested shipments of hazardous waste in containers meeting the  
103 requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less is  
104 not subject to regulations under 35 Ill. Adm. Code 702, 703, ~~or 724, 725, 727, or through 728~~  
105 with respect to the storage of those wastes.  
106

107 (Source: Amended at 35 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

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section  
723.130 Immediate Action  
723.131 Discharge Cleanup

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

SOURCE: Adopted in R81-22, ~~43 PCB 427,22~~ at 5 Ill. Reg. 9781, effective May 17,  
1982; amended and codified in R81-22, ~~45 PCB 17,22~~ at 6 Ill. Reg. 4828,  
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at 31 Ill. Reg. 881, effective December 20, 2006; amended in ~~R11-07-25/R11-07-1614~~  
at ~~3532~~ Ill. Reg. ~~11969~~, effective July 14, 2008; amended in R11-2/R11-16 at  
35 Ill. Reg., effective \_\_\_\_\_.

SUBPART A: GENERAL

Section 723.110 Scope

a) These regulations establish standards which apply to persons transporting  
hazardous waste into, out of or through Illinois if the transportation requires  
a manifest under 35 Ill. Adm. Code 722.

b) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

c) A transporter of hazardous waste must also comply with 35 Ill. Adm. Code 722, "Standards Applicable to Generators of Hazardous Waste," if either of the following occurs:

1) It transports hazardous waste into the United States from abroad; or

2) It mixes hazardous waste of different DOT shipping descriptions by placing them into a single container.

d) A transporter of hazardous waste subject to the manifesting requirements of 35 Ill. Adm. Code 722 or the waste management standards of 35 Ill. Adm. Code 733 that is being imported from or exported to any of the countries listed in 35 Ill. Adm. Code 722.158(a)(1) for purposes of recovery is subject to this Subpart and to all other relevant requirements of 35 Ill. Adm. Code 722.Subpart H, including, but not limited to, 35 Ill. Adm. Code 722.184 for ~~tracking~~ movement documents.

e) The regulations in this Part do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D), and 35 Ill. Adm. Code 703.121(a)(4) or (c).

f) 35 Ill. Adm. Code 726.303 identifies how the requirements of this Part apply to military munitions classified as solid waste under 35 Ill. Adm. Code 726.302.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 723.111 USEPA Identification Number

a) A transporter must not transport hazardous waste without having received a USEPA ~~an EPA~~-identification number from the Administrator.

b) A transporter who has not received ~~an EPA~~-a USEPA identification number may obtain one by applying to ~~the Administrator~~-USEPA Region 5 using ~~EPA~~ 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 the Administrator~~-USEPA Region 5 will assign ~~an EPA~~-a USEPA identification number to the transporter.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 723.112 Transfer Facility Requirements

A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less is not subject to regulations under 35 Ill. Adm. Code 702, 703, ~~or 724 through 724~~, 725, 727, or 728 with respect to the storage of those wastes.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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