



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

September 28, 2012

POLLUTION CONTROL BOARD
JOHN THERRIAULT ASSISTANT CLERK
100 W RANDOLPH ST, STE 11-500
CHICAGO, IL 60601

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CLERK'S OFFICE

OCT 04 2012

STATE OF ILLINOIS
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 36, Issue 40 of the Illinois Register, dated 10/5/2012.

PROPOSED RULES

Special Waste Hauling

35 Ill. Adm. Code 809

14600

Point of Contact: Nancy Miller

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Waste Hauling
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3) Section Numbers: Proposed Action:
 809.204 Amend
 809.212 Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22, and 27].
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of September 20, 2012 in docket R13-08.

The Board proposes these amendments to implement a provision of Public Act 97-1081, effective August 24, 2012, which amends Section 22.2(l) of the Environmental Protection Act (Act) by extending the duration of special waste hauling permits from one year to three years. *See* 415 ILCS 5/22.2(l) (2010); Public Act 97-1081. This extension becomes applicable on January 1, 2013. The Board proposes to amend 35 Ill. Adm. Code 809.212 (Duration of Special Waste Hauling Permits) to make it consistent with this statutory revision. The Board also proposes to amend 35 Ill. Adm. Code 809.204(a) (Applications for Special Waste Hauling Permit - Filing and Final Action by the Agency) to clarify that special waste hauling permit application fees are established by statute.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: In preparing its proposal, the Illinois Pollution Control Board did not use a research report or a published study or other source of underlying data.
- 7) Will these proposed amendments replace an emergency rule currently in effect? No.
- 8) Do these amendments contain an automatic repeal date? No.
- 9) Do these proposed amendments contain incorporations by reference? No.
- 10) Are there any other proposed amendments pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS

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- 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 publication. Comments should refer to docket R13-8 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R13-8 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact the Clerk's Office at 312-814-3629.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: In implementing Public Act 97-220, the proposed rules would affect any small business, small municipality, and not-for-profit corporation transporting special waste in or to an Illinois facility or generating special waste in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: By extending the duration of special waste hauling permits and reducing the number of applications for permit renewal to be filed by haulers, the Board expects that these amendments implementing Public Act 97-1081 would reduce the reporting and other procedures performed by affected entities.
 - C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the special waste hauling permit program will be required to comply with the proposed amendments.
- 14) Regulatory Agenda in which these amendments were summarized: The Board is implementing a provision of Public Act 97-1081, which became effective August 24, 2012. Specifically, the Board proposes to amend its special waste hauling regulations to make it consistent with statutory revisions becoming applicable January 1, 2012. Consequently, this proposal did not appear in the Board's July 2012 Regulatory Agenda.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 809
SPECIAL WASTE HAULING

SUBPART A: GENERAL PROVISIONS

Section	
809.101	Authority, Policy and Purposes
809.102	Severability
809.103	Definitions
809.104	Incorporations by Reference
809.105	Public Records

SUBPART B: SPECIAL WASTE HAULING PERMITS

Section	
809.201	Special Waste Hauling Permits-General
809.202	Applications for Special Waste Hauling Permit-Contents
809.203	Applications for Special Waste Hauling Permit-Signatures and Authorization
809.204	Applications for Special Waste Hauling Permit-Filing and Final Action by the Agency
809.205	Special Waste Hauling Permit Conditions
809.206	Special Waste Hauling Permit Revision
809.207	Transfer of Special Waste Hauling Permits
809.208	Special Waste Hauling Permit Revocation
809.209	Permit No Defense
809.210	General Exemption from Special Waste Hauling Permit Requirements
809.211	Exemptions for Special Waste Transporters
809.212	Duration of Special Waste Hauling Permits
809.213	Compliance with Federal Requirements

SUBPART C: DELIVERY AND ACCEPTANCE

Section	
809.301	Requirements for Delivery of Special Waste to Transporters
809.302	Requirements for Acceptance of Special Waste from Transporters

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SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section
809.401 Permit Availability
809.402 Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section
809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

SUBPART F: DURATION OF SPECIAL WASTE HAULER PERMITS AND TANK
NUMBERS

Section
809.601 Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section
809.701 General Provision

SUBPART H: EFFECTIVE DATES

Section
809.801 Compliance Date
809.802 Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section
809.901 Definitions (Repealed)
809.902 Disposal Methods (Repealed)
809.903 Rendering Innocuous by Sterilization (Repealed)
809.904 Rendering Innocuous by Incineration (Repealed)
809.905 Recordkeeping Requirements for Generators (Repealed)
809.906 Defense to Enforcement Action (Repealed)

SUBPART J: REQUIREMENTS FOR HAULERS PREVIOUSLY PERMITTED UNDER THE
UNIFORM PROGRAM

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Section	
809.910	Uniform State Hazardous Waste Transportation Registration and Permit Program (Repealed)
809.911	Application for a Uniform Permit (Repealed)
809.912	Application for Uniform Registration (Repealed)
809.913	Payment of Processing and Audit Fees (Repealed)
809.914	Payment of Apportioned Mile Fees (Repealed)
809.915	Submittal of Fees (Repealed)
809.916	Previously Permitted Transporters (Repealed)
809.917	Uniform Registration and Uniform Permit Conditions (Repealed)
809.918	Uniform Registration and Uniform Permit Revision (Repealed)
809.919	Transfer of Uniform Registration and Uniform Permits (Repealed)
809.920	Audits and Uniform Registration and Uniform Permit Revocation (Repealed)
809.921	Permit No Defense (Repealed)
809.1001	Transporters Previously Permitted Under Uniform Hazardous Waste Transportation Permit and Registration Program

809.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640; effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. 14747, effective September 25, 2000; amended in R06-20(A) at 34 Ill. Reg. 3317, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17398, effective October 29, 2010; amended in R12-13 at 36 Ill. Reg. 12232, effective July 18, 2012; amended in R13-08, at 36 Ill. Reg. _____, effective _____.

SUBPART B: SPECIAL WASTE HAULING PERMITS

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Section 809.204 Applications for Special Waste Hauling Permit-Filing and Final Action by the Agency

- a) An application for special waste hauling permit is considered filed on the date the Agency receives a properly completed application on the form prescribed or provided by the Agency and with correct fees pursuant to Section 22.2(1) of the Act [415 ILCS 5/22.2(1)].
- b) If the Agency fails to take final action (which includes granting or denying the special waste hauling permit as requested, or by granting the special waste hauling permit with conditions) within 90 days after the date the completed application is filed, the applicant may deem the special waste hauling permit granted for a period of one calendar year commencing on the 91st day after the application was filed.
- c) The Agency will send all denials by U.S. Registered or Certified Mail, Return Receipt Requested. All other final Agency decisions may go by regular U.S. Mail or electronic mail. The Agency will be deemed to have taken final action on the date that the notice of final action is mailed or sent. Within 35 days after the Agency's final action, the applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.
- d) The Agency will require the application to be complete. If incomplete, the application will be returned, and the transporter will be required to resubmit a complete application. The application must be consistent with the provisions of the Act and Board regulations. The Agency may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application. If the application is complete and granting it will not violate the Act or Board regulations, the Agency will grant the permit.
- e) When an application is denied because it fails to comply with the Act or Board regulations, any fees submitted with the application will be non-refundable. Any subsequent re-filing of the application will be considered a new application for which an application fee must be included in accordance with Section 22.2 of the Act.
- f) When the Agency rejects an application because it is incomplete, any fees submitted will be non-refundable. The applicant can receive credit for the payment with a resubmitted application if the resubmittal is complete and

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returned to the Agency within 30 days after the initial date-stamped rejection.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 809.212 Duration of Special Waste Hauling Permits

- a) Prior to January 1, 2013, all ~~all~~ permits issued under this Part will be issued for a period not to exceed one year and are renewable. Beginning January 1, 2013, all permits under this Part will be issued for a period not to exceed three years and are renewable.
- b) Applications for renewal of a special waste hauling permit should be made prior to the expiration date of the permit on the application forms prescribed in Section 809.302.

(Source: Amended at 36 Ill. Reg. _____, effective _____)