

**HISTORICAL SUMMARIES OF THE ILLINOIS
RCRA SUBTITLE C HAZARDOUS WASTE AND
UNDERGROUND INJECTION CONTROL
PROGRAMS AND REGULATIONS**

(Updated: October 2, 2011)

A historical outline of the Illinois RCRA Subtitle C and underground injection control programs follow. This outline covers the time period from 1981 through December 31, 2011. The Board intends this summary as a reference aid for interested persons. The Board does not intend the content of this outline to have any effect on the substantive regulations of either program.

The Board has incorporated and maintained required elements of the federal RCRA Subtitle C hazardous waste regulations into Illinois rules since 1981. During this time, the Board has also incorporated elements into the hazardous waste requirements that are unique to Illinois. All of this has been pursuant to sections 7.2 and 22.4 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.4) and other more specialized provisions that are indicated in the outline.

The Board has incorporated and maintained required elements of the federal underground injection control (UIC) regulations into Illinois rules since 1982. This has been pursuant to sections 7.2 and 13.4(a) of the Environmental Protection Act (415 ILCS 5/7.2 and 22.4(a)).

The incorporation of all federally derived content has occurred using the “identical-in-substance” procedure as described in section 7.2 of the Act 415 ILCS 5/7.2. This is an abbreviated procedure for rulemaking that does not require public hearings and which omits Second Notice review by the Joint Committee on Administrative Review (JCAR).

Segments of the following outline summarize the various rulemaking proceedings before the Board that related to the Illinois RCRA Subtitle C hazardous waste and UIC programs. Segments also summarize the approvals that the U.S. Environmental Protection Agency (USEPA) has granted each program.

The Board has also heard numerous petitions to modify or for relief from various provisions in the Illinois RCRA Subtitle C hazardous waste and UIC programs. Segments of the following outline summarize petitions of all types filed before the Board for relief from provisions of the Illinois RCRA Subtitle C rules since their inception. This includes the rulemaking, adjusted standard, and variance proceedings filed before the Board relative to the RCRA Subtitle C regulations.

This outline is current up to December 31, 2011.

Interested persons can access and review the Board documents cited in this outline either on-line (at www.ipcb.state.il.us) or in person, as provided in Subpart C of 2 Ill. Adm. Code 2175.

I. History of Adoption of Illinois RCRA Subtitle C Regulations

A historical outline of Board adoption of the Illinois RCRA Subtitle C hazardous waste regulations follows. The outline lists all Board actions taken to adopt and maintain the Illinois hazardous waste regulations since their inception. The outline includes a listing of all rulemaking proceedings of general applicability before the Board that relate to the RCRA Subtitle C program. The end of this outline also includes two other items related to the rules: (1) a list of direct appeals filed to challenge Board rulemaking actions; and (2) a listing of USEPA authorizations of the Illinois RCRA Subtitle C program.

A. Adoption of Hazardous Waste Regulations.

1. Adoption of Federal Regulations by Incorporation by Reference by Peremptory Rulemaking.

The earliest incorporation of federal RCRA Subtitle C hazardous waste requirements into the Illinois regulations was by peremptory rulemaking:

R81-14 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, R81-14 (Mar. 19, 1981); published at 5 Ill. Reg. 5719 (May 29, 1981), effective May 14, 1981. (Incorporation of treatment, storage, and disposal facility closure and post-closure care and financial assurance provisions by reference. Repealed upon the effective date of the codified rules adopted in Proposed Regulations for “RCRA” (Chapter 7 and Chapter 9), R81-22 (Sep. 16, 1981 and Feb. 4, 1982); published at 5 Ill. Reg. 9781 (Oct. 2, 1981) and 6 Ill. Reg. 4828 (Apr. 23, 1982), effective May 17, 1982 (listed in segment I.A.2. below).)

2. Adoption of Federal Requirements by Identical-in-Substance Rulemaking.

The Board adopted the initial Illinois RCRA Subtitle C hazardous waste regulations in 1981, and has updated them to incorporate revisions to the federal RCRA Subtitle C hazardous waste rules in numerous dockets over several years. The primary mode for updating the rules is by use of the identical-in-substance procedure of sections 7.2 and 22.4(a) of the Act [415 ILCS 5/7.2 and 22.4(a)]. The following rulemaking proceedings used the identical-in-substance RCRA Subtitle C procedure to incorporate revised federal standards into the Illinois regulations:

R81-22 Proposed Regulations for RCRA, R81-22 (Sep. 16, 1981 and Feb. 4, 1982); published at 5 Ill. Reg. 9781 (Oct. 2, 1981) and 6 Ill. Reg. 4828 (Apr. 23, 1982), effective May 17, 1982. (“Phase I RCRA rules”; federal rules and amendments adopted by USEPA during the period May 18, 1980, through October 1, 1981.)

- R82-18 Amendments to Phase I RCRA Rules, R82-18 (Jan. 13, 1983); published at 7 Ill. Reg. 2518 (Mar. 4, 1983), effective May 17, 1982. (Federal rules and amendments adopted by USEPA during the period November 11, 1981, through June 24, 1982. Combining UIC rules into a RCRA Subtitle C docket (also listed in segment III.A. below).)
- R82-19 Phase II RCRA Rules, R82-19 (July 26, 1983); published at 7 Ill. Reg. 13999 (Oct. 28, 1983), effective October 2, 1983. (Federal rules and amendments adopted by USEPA during the period November 23, 1981, through October 29, 1982. Affirmed in Commonwealth Edison Co. v. PCB, 127 Ill. App. 3d 446; 468 N.E.2d 1339; 82 Ill. Dec. 559 (3d Dist. 1984) (listed in segment I.B. below).)
- R83-24 Technical Correction to Phase II RCRA Rules, R83-24 (Dec. 15, 1983); published at 8 Ill. Reg. 200 (Jan. 6, 1984), effective December 27, 1983. (Corrections to the docket R82-19 rules. Affirmed in Commonwealth Edison Co. v. PCB, 127 Ill. App. 3d 446; 468 N.E.2d 1339; 82 Ill. Dec. 559 (3d Dist. 1984) (listed in segment I.B. below).)
- R84-9 RCRA and UIC Update, R84-9 (June 13, 1985 and June 27, 1985); published at 9 Ill. Reg. 11964 (Aug. 2, 1985), effective July 8, 1985 and July 24, 1985. (Federal rules and amendments adopted by USEPA during the period January 19, 1983, through April 24, 1984 (also listed in segment III.A. below).)
- R85-22 RCRA Update, USEPA Regulations (April 24, 1984, through June 30, 1985), R85-22 (Dec. 20, 1985 and Jan. 9, 1986); published at 10 Ill. Reg. 968 (Jan. 17, 1986), effective January 2, 1986 (also listed in segment I.A.7. below).
- R86-1 RCRA Update, USEPA Regulations (July 1, 1985, through December 31, 1985), R86-1 (July 11, 1986); published at 10 Ill. Reg. 13998 (Aug. 22, 1986), effective August 12, 1986.
- R86-19 RCRA Update, USEPA Regulations (February 1, 1986, through March 31, 1986), R86-19 (Oct. 23, 1986); published at 10 Ill. Reg. 20630 (Dec. 12, 1986), effective December 2, 1986.
- R86-28 RCRA Update, USEPA Regulations (April 1, 1986, through June 30, 1986), R86-28 (Feb. 5, 1987, Mar. 5, 1987, and Apr. 16, 1987); published at 11 Ill. Reg. 6017 (Apr. 3, 1987), effective March 23, 1987, and 11 Ill. Reg. 8684 (May 1, 1987), effective April 21, 1987.

- R86-46 RCRA Update, USEPA Regulations (July 1, 1986, through September 30, 1986), R86-46 (July 16, 1987); published at 11 Ill. Reg. 13435 (Aug. 14, 1987), effective August 4, 1987 (also listed in segment I.A.7. below).
- R87-5 RCRA Update, USEPA Regulations (October 1, 1986, through December 31, 1986), R87-5 (Oct. 15, 1987); published at 11 Ill. Reg. 19280 (Nov. 30, 1987), effective November 10 and 12, 1987.
- R87-26 RCRA Update, USEPA Regulations (January 1, 1987, through June 30, 1987), R87-26 (Dec. 3, 1987); published at 12 Ill. Reg. 2450 (Jan. 29, 1988), effective January 15, 1988.
- R87-32 Correction to R86-1, R87-32 (Sep. 4, 1987); published at 11 Ill. Reg. 16698 (Oct. 16, 1987), effective September 30, 1987.
- R87-39 RCRA Update, USEPA Regulations (July 1, 1987, through December 31, 1987), R87-39 (June 16, 1988); published at 12 Ill. Reg. 12999 (Aug. 12, 1988), effective July 29, 1988.
- R88-16 RCRA Update, USEPA Regulations (January 1, 1988, through July 31, 1988), R88-16 (Nov. 17, 1988); published at 13 Ill. Reg. 447 (Jan. 13, 1989), effective December 28, 1988.
- R88-29 RCRA Corrections, Miscellaneous, RCRA Units, R88-29 (Jan. 19, 1989). (Dismissed without rulemaking action in favor of including the corrections in RCRA Update, USEPA Regulations (August 1, 1988, through December 31, 1988), R89-1 (Sep. 13, 1989).)
- R89-1 RCRA Update, USEPA Regulations (August 1, 1988, through December 31, 1988), R89-1 (Sep. 13, 1989); published at 13 Ill. Reg. 18278 (Nov. 27, 1989), effective November 13, 1989.
- R89-9 RCRA Update, USEPA Regulations (January 1, 1989, through June 30, 1989), R89-9 (Mar. 8, 1990); published at 14 Ill. Reg. 6225 (Apr. 27, 1990), effective April 16, 1990.
- R90-2 RCRA Update, USEPA Regulations (July 1, 1989, through December 31, 1989), R90-2 (July 3, 1990); published at 14 Ill. Reg. 14401 (Sep. 7, 1990), effective August 22, 1990.
- R90-10 RCRA Update, USEPA Regulations TCLP (January 1, 1990, through March 30, 1990), R90-10 (Aug. 30, 1990); published at 14 Ill. Reg. 16472 (Oct. 5, 1990), effective September 25, 1990. (Toxicity characteristic leachate procedure (TCLP).)

- R90-11 RCRA Update, USEPA Regulations (April 1, 1990, through June 30, 1990), R90-11 (Apr. 11, 1991, May 23, 1991, Aug. 8, 1991; and Aug. 22, 1991); published at 15 Ill. Reg. 9323 (June 28, 1991), effective June 17, 1991.
- R90-17 RCRA Delistings, R90-17 (Feb. 28, 1991); published at 15 Ill. Reg. 7934 (May 24, 1991), effective May 9, 1991 (also listed in segment I.A.7. below).
- R91-1 RCRA Update, USEPA Regulations (July 1, 1990, through December 31, 1990), R91-1 (Aug. 8, 1991); published at 15 Ill. Reg. 14446 (Oct. 11, 1991), effective September 30, 1991. (Wood Preserving Rules.)
- R91-13 RCRA Update, USEPA Regulations (January 1, 1991, through June 30, 1991), R91-13 (Apr. 9, 1992); published at 16 Ill. Reg. 9489 (June 19, 1992), effective June 9, 1992. (Boilers and Industrial Furnace (BIF) Rules.)
- R91-26 RCRA Wood Preserving Compliance Dates, R91-26 (Jan. 9, 1992); published at 16 Ill. Reg. 2600 (Feb. 14, 1992), effective February 3, 1992. (Wood Preserving Rules Compliance Dates.)
- R92-1 RCRA Update, USEPA Regulations (July 1, 1991, through December 31, 1991), R92-1 (Sep. 17, 1992); published at 16 Ill. Reg. 17636 (Nov. 20, 1992), effective November 6, 1992.
- R92-10 RCRA Update, USEPA Regulations (January 1, 1992, through June 30, 1992), R92-10 (Jan. 21, 1993 and Mar. 11, 1993); published at 17 Ill. Reg. 5625 (Apr. 9, 1993), effective March 26, 1993. (Leak Detection System (LDS) Rules.)
- R93-4 RCRA Update, USEPA Regulations (July 1, 1992, through December 31, 1992), R93-4 (Sep. 23, 1993 and Oct. 21, 1993); published at 17 Ill. Reg. 20545 (Dec. 3, 1993), effective November 22, 1993. (Used and Waste Oil Rules.)
- R93-16 RCRA Update, USEPA Regulations (January 1, 1993, through June 30, 1993), R93-16 (Mar. 17, 1994 and Apr. 21, 1994); published at 18 Ill. Reg. 6720 (May 6, 1994), effective April 26, 1994.
- R94-7 RCRA Subtitle C Update, USEPA Regulations (July 1, 1993, through December 31, 1993), R94-7 (June 23, 1994); published at 18 Ill. Reg. 12160 (Aug. 12, 1994), effective July 29, 1994.

- R94-17 RCRA Subtitle C Update, USEPA Regulations (January 1, 1994, through June 30, 1994), R94-17 (Oct. 20, 1994 and Nov. 3, 1994); published at 18 Ill. Reg. 17480 (Dec. 9, 1994), effective November 23, 1994.
- R95-6 RCRA Subtitle C Update, USEPA Regulations (July 1, 1994, through December 31, 1994, January 3, 1995, and May 19, 1995), R95-6 (June 1, 1995 and June 15, 1995); published at 19 Ill. Reg. 9501 (July 14, 1995), effective June 27, 1995. (Consolidated with UIC Update, USEPA Regulations (July 1, 1994 through December 31, 1994), R95-4 (June 1, 1995 and June 15, 1995) (listed in segment III.A. below).)
- R95-20 RCRA Subtitle C Update, USEPA Regulations (January 1, 1995, through June 30, 1995, July 7, 1995, September 29, 1995, November 13, 1995, and June 6, 1996), R95-20 (June 20, 1996); published at 20 Ill. Reg. 10929 (Aug. 16, 1996), effective August 1, 1996 (also listed in segment II.B.2. below).
- R96-10 RCRA Subtitle C Update, USEPA Regulations (July 1, 1995, through December 31, 1995), R96-10 (Nov. 6, 1997); published at 22 Ill. Reg. 256 (Jan. 2, 1998), effective December 16, 1997. (Consolidated with UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996) (Nov. 6, 1997), R97-3 (listed in segment III.A. below) and RCRA Subtitle C Update, USEPA Regulations (January 1, 1996, through June 30, 1996), R97-5 (Nov. 6, 1997) (listed in this segment I.A.2.).)
- R97-5 RCRA Subtitle C Update, USEPA Regulations (January 1, 1996, through June 30, 1996), R97-5 (Nov. 6, 1997); published at 22 Ill. Reg. 256 (Jan. 2, 1998), effective December 16, 1997. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (July 1, 1995, through December 31, 1995), R96-10 (Nov. 6, 1997) (listed in this segment I.A.2.) and UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-3 (Nov. 6, 1997) (listed in segment III.A. below).)
- R97-21 RCRA Subtitle C (HW) Update, USEPA Regulations (July 1, 1996, through December 31, 1996), R97-21 (Aug. 20, 1998); published at 22 Ill. Reg. 17930 (Oct. 9, 1998), effective September 28, 1998. (Consolidated with UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997), R98-3 (Aug. 20, 1998) (listed in segment III.A. below) and RCRA Subtitle C Update, USEPA Regulations (January 1, 1997, through June 30, 1997), R98-5 (Aug. 20, 1998) (listed in this segment I.A.2.).)
- R98-5 RCRA Subtitle C Update, USEPA Regulations (January 1, 1997, through June 30, 1997), R98-5 (Aug. 20, 1998); published at 22 Ill. Reg. 17930 (Oct. 9, 1998), effective September 28, 1998. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (January 1, 1997, through June 30,

1997), R97-21 (Aug. 20, 1998) (listed in this segment I.A.2.) and UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997), R98-3 (Aug. 20, 1998) (listed in segment III.A. below.)

- R98-21 RCRA Subtitle C Update, USEPA Regulations (July 1, 1997, through December 31, 1997), R98-21 (Dec. 17, 1998); published at 23 Ill. Reg. 1695 (Feb. 5, 1999), effective January 19, 1999. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (January 1, 1998, through June 30, 1998), R99-2 (Dec. 17, 1998) (listed in this segment I.A.2.) and UIC Update, USEPA Regulations (January 1, 1998 through June 3, 1998), R99-7 (Dec. 17, 1998) (listed in segment III.A. below.)
- R99-2 RCRA Subtitle C Update, USEPA Regulations (January 1, 1998, through June 30, 1998), R99-2 (Dec. 17, 1998); published at 23 Ill. Reg. 1695 (Feb. 5, 1999), effective January 19, 1999. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (July 1, 1997, through December 31, 1997), R98-21 (Dec. 17, 1998) (listed in this segment I.A.2.) and UIC Update, USEPA Regulations (January 1, 1998 through June 3, 1998), R99-7 (Dec. 17, 1998) (listed in segment III.A. below.)
- R99-15 RCRA Subtitle C Update, USEPA Regulations (July 1, 1998, through December 31, 1998), R99-15 (June 17, 1999); published at 23 Ill. Reg. 9094 (Aug. 13, 1999), effective July 26, 1999.
- R00-5 RCRA Subtitle C Update, USEPA Amendments (January 1, 1999, through June 30, 1999), R00-5 (Dec. 2, 1999); published at 24 Ill. Reg. 1063 (Jan. 21, 2000), effective January 6, 2000.
- R00-13 RCRA Subtitle C Update, USEPA Amendments (July 1, 1999 through December 31, 1999), R00-13 (May 18, 2000); published at 24 Ill. Reg. 9443 (July 7, 2000), effective June 20, 2000.
- R01-3 RCRA Subtitle C Update, USEPA Amendments (January 1, 2000 through June 30, 2000), R01-3 (Dec. 7, 2000); published at 25 Ill. Reg. 1266 (Jan. 26, 2001), effective January 11, 2001.
- R01-23 RCRA Subtitle C Update, USEPA Amendments (July 1, 2000 through December 31, 2000), R01-23 (May 17, 2001); published at 25 Ill. Reg. 9108 (July 20, 2001), effective July 9, 2001. (Consolidated with UIC Update, USEPA Regulations (July 1, 2000 through December 31, 2000), R01-21 (May 17, 2001) (listed in segment III.A. below).
- R02-1 RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-1 (Apr. 18, 2002); published at 26 Ill. Reg. 6667 (May 3, 2002), effective April 22, 2002. (Consolidated with RCRA

Subtitle C Update, USEPA Regulations (July 1, 2001 through December 31, 2001), R02-12 (Apr. 18, 2002) (listed in this segment A.2.) and UIC Update, USEPA Regulations (July 1, 2001 through December 31, 2001), R02-17 (Apr. 18, 2002) (listed in segment III.A. below).

- R02-12 RCRA Subtitle C Update, USEPA Amendments (July 1, 2001 through December 31, 2001), R02-12 (Apr. 18, 2002); published at 26 Ill. Reg. 6667 (May 3, 2002), effective April 22, 2002. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (January 1, 2001 through June 30, 2001), R02-1 (Apr. 18, 2002) (listed in this segment I.A.2.) and UIC Update, USEPA Regulations (July 1, 2001 through December 31, 2001), R02-17 (Apr. 18, 2002) (listed in segment III.A. below).)
- R03-7 RCRA Subtitle C Update, USEPA Amendments (January 1, 2002 through June 30, 2002), R03-7 (Jan. 9, 2003); published at 27 Ill. Reg. 3496 (Feb. 28, 2003), effective February 14, 2003.
- R03-18 RCRA Subtitle C Update, USEPA Amendments (July 1, 2002 through December 31, 2002), R03-18 (June 5, 2003); published at 27 Ill. Reg. 12683 (Aug. 1, 2003), effective July 17, 2003.
- R04-6 RCRA Subtitle C Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-6 (Aug. 7, 2003). (Dismissed because no federal actions in the period.)
- R04-16 RCRA Subtitle C Update, USEPA Amendments (July 1, 2003 through December 31, 2003), R04-16 (June 17, 2004); published at 28 Ill. Reg. 10693 (July 30, 2004), effective July 19, 2004.
- R05-2 RCRA Subtitle C Update, USEPA Amendments (January 1, 2004 through June 30, 2004 and October 25, 2004), R05-2 (Mar. 3, 2005); published at 29 Ill. Reg. 6290 (May 6, 2005), effective April 22, 2005.
- R05-13 RCRA Subtitle C Update, USEPA Regulations (July 1, 2004 through December 31, 2004), R05-13 (Feb. 3, 2005). (Dismissed because no federal actions in the period.)
- R06-7 RCRA Subtitle C Update, USEPA Amendments (January 1, 2005 through June 30, 2005), R06-7 (Jan. 5, 2006 and Feb. 2, 2006); published at 30 Ill. Reg. 2845 (Mar. 10, 2006), effective February 23, 2006. (Consolidated with UIC Corrections, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-5 (Jan. 5, 2006 (listed in segment III.A. below) and Feb. 2, 2006) and RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-6 (Jan. 5, 2006 and Feb. 2, 2006).)

- R06-18 RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-18 (Nov. 16, 2006); published at 31 Ill. Reg. 438 (Jan. 12, 2008), effective December 20, 2007. (Consolidated with UIC Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-16 (Nov. 16, 2006) (listed in segment III.A. below) and RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-17 (Nov. 16, 2006) (listed in this segment I.A.2.).)
- R07-5 RCRA Subtitle C Update, USEPA Amendments (January 1, 2006 through June 30, 2006), R07-5 (June 5, 2008); published at 32 Ill. Reg. 11672 (July 25, 2008), effective July 14, 2008. (Consolidated with RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R07-14 (June 5, 2008) (listed in this segment I.A.2.).)
- R07-14 RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R07-14 (June 5, 2008); published at 32 Ill. Reg. 11672 (July 25, 2008), effective July 14, 2008. (Consolidated with RCRA Subtitle C Update, USEPA Amendments (January 1, 2006 through June 30, 2006), R07-5 (June 5, 2008) (listed in this segment I.A.2.).)
- R08-3 RCRA Subtitle C Update, USEPA Regulations (January 1, 2007 through June 30, 2007), R08-3 (Sep. 6, 2007). (Dismissed because no federal actions in the period.)
- R08-16 RCRA Subtitle C Update, USEPA Regulations (July 1, 2007 through December 31, 2007), R08-16 (May 1, 2008). (Dismissed because no federal actions in the period.)
- R09-3 RCRA Subtitle C Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-3 (Nov. 20, 2008); published at 33 Ill. Reg. 922 (Jan. 16, 2009), effective December 30, 2008.
- R09-16 RCRA Subtitle C Update, USEPA Amendments (January 1, 2010 through June 30, 2010), R09-16 (Oct. 7, 2010); published at 34 Ill. Reg. 18505 (Nov. 29, 2010), effective November 12, 2010. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (July 1, 2010 through December 31, 2010), R10-4 (Oct. 7, 2010) (listed in this segment I.A.2.).)
- R10-4 RCRA Subtitle C Update, USEPA Regulations (July 1, 2010 through December 31, 2010), R10-4 (Oct. 7, 2010); published at 34 Ill. Reg. 18505 (Nov. 29, 2010), effective November 12, 2010. (Consolidated with RCRA Subtitle C Update, USEPA Amendments (January 1, 2010 through June 30, 2010), R09-16 (Oct. 7, 2010) (listed in this segment I.A.2.).)

- R10-13 RCRA Subtitle C Update, USEPA Regulations (July 1, 2009 through December 31, 2009), R09-3 (Apr. 1, 2010). (Dismissed because no federal actions in the period.)
- R11-2 RCRA Subtitle C Update, USEPA Amendments (January 1, 2010 through June 30, 2010), R11-2 (Aug. 18, 2011); published at 35 Ill. Reg. 17647 (Nov. 4, 2011), effective October 14, 2011. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (July 1, 2010 through December 31, 2010), R11-16 (Aug. 18, 2011) (listed in this segment I.A.2.).)
- R11-16 RCRA Subtitle C Update, USEPA Regulations (July 1, 2010 through December 31, 2010), R11-16 (Aug. 18, 2011); published at 35 Ill. Reg. 17647 (Nov. 4, 2011), effective October 14, 2011. (Consolidated with RCRA Subtitle C Update, USEPA Amendments (January 1, 2010 through June 30, 2010), R11-2 (Aug. 18, 2011) (listed in this segment I.A.2.).)
- R12-7 RCRA Subtitle C Update, USEPA amendments (January 1, 2010 through June 30, 2011), R12-7 (Apr. 19, 2012); published at 36 Ill. Reg. 8740 (June 15, 2012), effective June 4, 2012.
- R12-20 RCRA Subtitle C Update, USEPA Regulations (July 1, 2011 through December 31, 2011), R12-20 (Feb. 2, 2012). (Dismissed because no federal actions in the period.)
- R13-5 RCRA Subtitle C Update, USEPA amendments (January 1, 2012 through June 30, 2012), R13-5 (reserved docket for which Board adoption on January 3, 2013 is projected, for a February 11, 2013 effective date).

3. Amendment of Existing Rules to Accommodate RCRA Subtitle C Requirements by General Rulemaking.

The Board proposed amendments to revise existing State special waste hauling regulations to accommodate the federal RCRA Subtitle C hazardous waste requirements pursuant to Section 27 of the Act [415 ILCS 5/27]:

- R81-31 Revisions to Chapter 9: Special Waste Hauling, R81-31 (Oct. 5, 1982). (Dismissed without substantive action, in favor of action using the identical-in-substance procedure in Proposed Regulations for "RCRA" (Chapter 7 and Chapter 9), R81-22 (Sep. 16, 1981 and Feb. 4, 1982) (listed in segment I.A.2. above), after the Board proposal received significant criticism and substitute proposal was not filed by the Illinois Chamber of Commerce. Consolidated with Revisions to Chapter 7: Solid Waste, R80-20 (Oct. 5, 1982) for the final public hearing and dismissal.)

4. Adoption of Proposed Federal Hazardous Waste Listings for Dioxin by Identical-in-Substance Rulemaking.

The Board added hazardous waste listings for dioxins to the Illinois regulations based on proposed federal listings of pursuant to Section 22.4(d) of the Act [415 ILCS 5/22.4(d)]:

R84-34 Hazardous Waste Listings and Test Methods for Identification of Tetrachlorodibenzo-p-Dioxins, R84-34 (Nov. 21, 1984); published at 8 Ill. Reg. 24562 (Dec. 21, 1984), effective December 11, 1984. (Removed in RCRA Update, USEPA Regulations (April 24, 1984, through June 30, 1985), R85-22 (Dec. 20, 1985 and Jan. 9, 1986) (listed in segment I.A.7. below) when adopting the delistings ultimately adopted by USEPA. The General Assembly repealed Section 22.4(d) of the Act [415 ILCS 5/7.2(d)] by Pub. Act 85-1048, effective January 1, 1989.)

5. Adoption of Additional State Requirements by General Rulemaking.

Section 22.4(b) of the Act [415 ILCS 5/22.4(c)] allows the Board to establish State hazardous waste requirements that are no less stringent than the federal standards and which are not inconsistent with the federal standards. The Board considered State hazardous waste land disposal restrictions by general rulemaking. Those general rulemaking proceedings were the following:

R81-25 Prohibition on Landfilling of Halogenated Solvents, R81-25 (Oct. 25, 1984); published at 8 Ill. Reg. 24124 (Dec. 14, 1984), effective December 4, 1984. (On a petition filed by Citizens for a Better Environment. Adopting 35 Ill. Adm. Code 729 pursuant to Section 22.6 of the Act [415 ILCS 5/22.6] as a permanent rule to prohibit land disposal of halogenated solvent that is hazardous waste).

R83-28A Definition of Liquid Hazardous Waste (Emergency Rule), R83-28(A) (June 29, 1984 and July 19, 1984); emergency rule published at 8 Ill. Reg. 12668 (July 13, 1984), effective July 5, 1984 for a maximum of 150 days (until December 1, 1984). (Adopting 35 Ill. Adm. Code 709 and 729 pursuant to Section 22.6 of the Act [415 ILCS 5/22.6] as emergency rules to restrict the land disposal of liquid hazardous waste.)

R83-28B Definition of Liquid Hazardous Waste (Temporary Rule), R83-28(B) (Dec. 20, 1984 and Jan. 10, 1985); temporary rule published at 9 Ill. Reg. 718 (Jan. 18, 1985), effective January 3, 1985 for a maximum of one year (until January 3, 1986). (Amending 35 Ill. Adm. Code 709 and 729 pursuant to Section 22.6 of the Act [415 ILCS 5/22.6] to restrict the land disposal of liquid hazardous waste.)

- R83-28C Definition of Liquid Hazardous Waste (Economic Impact of Temporary Rules and Adoption of Permanent Rules), R83-28(C) (Feb. 26, 1986); published at 10 Ill. Reg. 4875 (Mar. 21, 1986), effective March 7, 1986. (Amending 35 Ill. Adm. Code 709 and 729 pursuant to Section 22.6 of the Act [415 ILCS 5/22.6] to restrict the land disposal of liquid hazardous waste.)
- R84-33 Hazardous Emissions, 35 Ill. Adm. Code 703, 720, 721, and 724, R84-33 (Oct. 24, 1985). (Agency proposal voluntarily withdrawn after public hearings.)
- R86-9A Hazardous Waste Prohibitions (Emergency Rule), R86-9(A) (Oct. 23, 1986); emergency rule published at 10 Ill. Reg. 19787 (Nov. 21, 1986), effective November 5, 1986 for a maximum of 150 days (until April 5, 1987). (Circumscribing implementation of Section 39(h) of the Act [415 ILCS 5/39(h)]. Vacated in Citizens for a Better Environment v. Pollution Control Board, 152 Ill. App. 3d 105, 504 N.E.2d 166, 105 Ill. Dec. 297 (1st Dist. 1987) (listed in segment I.B. below).)
- R86-9B Hazardous Waste Prohibitions, R86-9(B) (Dec. 16, 1993). (seeking to clarify Section 39(h) of the Act [415 ILCS 5/39(h)]; dismissed without substantive action.)
- R86-11 Liquid Hazardous Waste and USEPA HSWA Prohibitions, R86-11 (Sep. 22, 1988). (Closed without rulemaking action. Opened to consider modification of the restrictions on land disposal of liquid hazardous waste adopted in Definition of Liquid Hazardous Waste (Economic Impact of Temporary Rules and Adoption of Permanent Rules), R83-28(C) (Feb. 26, 1986) (listed in this segment I.A.5).)
- R98-12 Amendments of 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards for Universal Waste Management), R98-12 (Apr. 2, 1998); published at 22 Ill. Reg. 7650 (May 1, 1998), effective April 15, 1998. (Designating high intensity discharge lamps and fluorescent lamps as a category of universal waste under 35 Ill. Adm. Code 733, pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a]. Deleted from the rules in UIC Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-16, RCRA Subtitle D Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-17, RCRA Subtitle C Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-18 (Nov. 16, 2006) (consolidated) (listed in segment I.A.2. above), upon USEPA designation of mercury-containing devices as universal waste.)
- R05-8 Standards for Universal Waste Management (35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733), R05-8 (Apr. 7, 2005); published at 29 Ill.

Reg. 6058 (Apr. 29, 2005), effective April 13, 2005. (Designating mercury-containing equipment as a category of universal waste under 35 Ill. Adm. Code 733, pursuant to Section 22.23b of the Act [415 ILCS 5/22.23b]. Deleted from the rules in UIC Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-16, RCRA Subtitle D Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-17, RCRA Subtitle C Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-18 (Nov. 16, 2006) (consolidated) (listed in segment I.A.2. above), upon USEPA designation of mercury-containing devices as universal waste.)

R06-20A Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739, 808, and 809, R06-20(A) (Feb. 18, 2010); published at 34 Ill. Reg. 3296 (Mar. 12, 2010), effective February 25, 2010, corrected at 34 Ill. Reg. 4927 (Apr. 2, 2010). (Amending the used and waste oil regulations to exempt mixtures containing used oil from the State special waste manifest requirements.)

R06-20B Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739, 808, and 809, R06-20(B) (Nov. 8, 2010); published at 34 Ill. Reg. 17381 (Mar. 12, 2010), effective February 25, 2010. (Adding a definition to the used and waste oil regulations to implement the amendments adopted in Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739, 808, and 809, R06-20(A) (Feb. 18, 2010) (listed in segment I.A.2. above).)

6. Petition for adoption of Federal RCRA Subtitle C Amendments by Emergency Rulemaking.

The Board received one petition for rapid adoption of USEPA RCRA Subtitle C amendments by the emergency rulemaking procedure of section 5-45 of the Administrative Procedure Act [5 ILCS 100/5-45]:

R94-18 Revisions of Treatability Testing Exclusion Limits, Amendments to 35 Ill. Adm. Code 721.104(f)(3) through (f)(5), R94-18 (Jan. 11, 1995). (Based on a petition of Burlington Environmental, Inc. Voluntarily withdrawn in favor of action undertaken in RCRA Update, USEPA Regulations (January 1, 1994 through June 30, 1994), R94-17 (Oct. 10, 1994 and Nov. 3, 1994) (listed in segment I.A.2. above).)

7. Procedural Provisions Specific to Proceedings Involving RCRA Subtitle C Regulations.

The Board has adopted procedural rules specific to cases involving the RCRA Subtitle C regulations:

- R84-10 RCRA Procedural Rules, R84-10 (Dec. 20, 1984, and Jan. 10, 1985); published at 9 Ill. Reg. 1383 (February 1, 1985), effective January 16, 1985. (Amending the Board's procedural rules by identical-in-substance rulemaking for RCRA Subtitle C procedures.)
- R85-22 RCRA Update, USEPA Regulations (April 24, 1984, through June 30, 1985), R85-22 (Dec. 20, 1985 and Jan. 9, 1986); published at 10 Ill. Reg. 968 (Jan. 17, 1986), effective January 2, 1986 (also listed in segment I.A.2. above). (Instituting procedures for boiler determinations and solid waste determinations.)
- R86-46 RCRA Update, USEPA Regulations (July 1, 1986, through September 30, 1986), R86-46 (July 16, 1987); published at 11 Ill. Reg. 13435 (Aug. 14, 1987), effective August 4, 1987 (also listed in segment I.A.2. above). (Amending the procedures for boiler determinations and solid waste determinations.)
- R90-17 RCRA Delistings, R90-17 (Feb. 28, 1991); published at 15 Ill. Reg. 7934 (May 24, 1991), effective May 9, 1991 (also listed in segment I.A.2. above). (Instituting procedures for hazardous waste delisting by an adjusted standard)
- R10-18 Proposed Amendment to Procedural Rules on Hearings in Identical-in-Substance Rulemakings, R10-18 (Aug. 5, 2010); published at 34 Ill. Reg. 12193 (Aug. 20, 2010), effective August 9, 2010. (Instituting procedures for conducting hearings in identical-in-substance proceedings by teleconference.)

B. Judicial Challenges to Hazardous Waste Regulations.

Direct appeals pursuant to sections 29 and 41 of the Act [415 ILCS 5/29 and 41] have challenged hazardous waste regulations adopted by the Board:

Commonwealth Edison Co. v. PCB, 127 Ill. App. 3d 446; 468 N.E.2d 1339; 82 Ill. Dec. 559 (3d Dist. 1984). (Affirming adoption and validity of the RCRA Subtitle C regulations adopted in Phase II, RCRA Rules, R82-19 (July 26, 1983) and Technical Correction to Phase II RCRA Rules, R83-24 (Dec. 15, 1983). See the entries in segment I.A.1.b. above.)

Citizens for a Better Environment v. Pollution Control Board, 152 Ill. App. 3d 105, 504 N.E.2d 166, 105 Ill. Dec. 297 (1st Dist. 1987). (Vacating the emergency rule adopted in Hazardous Waste Prohibitions (Emergency Rule), R86-9(A) (Oct. 23, 1986). See the entry in segment I.A.1.e. above.)

C. USEPA authorizations of the Illinois RCRA Subtitle C Hazardous Waste Program.

USEPA periodically reviews the Illinois hazardous waste program. As a result of these reviews, USEPA has granted Illinois a number of authorizations. The Federal Register citations for the authorizations are listed as follows:

May 17, 1982 (at 47 Fed. Reg. 21043) (Phase I authorization)

January 30, 1986 (at 51 Fed. Reg. 3778) (Phase II authorization), effective January 31, 1986

January 5, 1988 (at 53 Fed. Reg. 126) (partial HSWA authorization), effective March 5, 1988

September 12, 1989 (at 54 Fed. Reg. 37649) (approvals codified as 40 C.F.R. 272.700 and 272.701), effective November 13, 1989

March 1, 1990 (at 55 Fed. Reg. 7320), effective April 30, 1990

April 3, 1991 (at 56 Fed. Reg. 13595), effective June 3, 1991

January 31, 1992 (at 57 Fed. Reg. 3731), effective March 31, 1992

June 14, 1994 (at 59 Fed. Reg. 30525), effective August 14, 1994

March 15, 1996 (at 61 Fed. Reg. 10684), effective May 14, 1996

August 5, 1996 (at 61 Fed. Reg. 40520), effective October 4, 1996

II. History of Petitions for Relief from Illinois RCRA Subtitle C Regulations

A historical outline of petitions filed before the Board for relief from the Illinois RCRA Subtitle C hazardous waste regulations follows. The outline lists all petitions of all types of proceedings filed before the Board for relief from provisions of the Illinois RCRA Subtitle C rules since their inception. The outline includes listings of all rulemaking, adjusted standard, and variance proceedings filed before the Board relative to the RCRA Subtitle C regulations, with one exception: the outline does not include the numerous petitions filed pursuant to section 35(b) of the Act [415 ILCS 5/35(b)] (as it existed prior to amendment in P.A. 93-152, effective July 10, 2003) for a provisional variance to extend the generator waste accumulation time pursuant to 35 Ill. Adm. Code 722.134(b).

A. Petitions for Solid Waste Determinations.

After adoption of section 28.1 of the Act [415 ILCS 5/28.1], the Board adopted procedures for granting solid waste determinations (see the entries for RCRA Update, USEPA Regulations (April 24, 1984, through June 30, 1985), R85-22 (Dec. 20, 1985 and Jan. 9, 1986) in segments I.A.2. and I.A.7. above). Waste generators have filed a number of petitions before the Board for an adjusted standard pursuant to section 28.1 and 35 Ill. Adm. Code 720.131 for a solid waste determination:

- AS 89-4 Safety-Kleen Corporation, Petition for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c), AS 89-4 (Nov. 15, 1989). (Voluntarily withdrawn.)
- AS 89-5 Safety-Kleen Corporation, Petition for an Adjusted Standard, 35 Ill. Adm. Code 720.131(c), AS 89-5 (July 3, 1990). (Voluntarily withdrawn.)
- AS 90-7 Petition of Quantum Chemical Company, USI Division, for an Adjusted Standard from 35 Ill. Adm. Code 720.130, AS 90-7 (July 11, 1991). (Voluntarily withdrawn.)
- AS 96-11 Petition of Chemetco, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(a) and (c), AS 96-11 (Aug. 1, 1996). (Dismissed for failure to timely publish a notice of filing.)
- AS 97-2 Petition of Chemetco, Inc. for an Adjusted Standard form 35 Ill. Adm. Code 720.131(a) and (c), AS 97-2 (Mar. 19, 1998). (Denied as to mixed metals-bearing wastewater treatment sludge, contaminated soils, and metals smelting slags from mixed metal scraps reclamation.)
- AS 97-9 Petition of Recycle Technologies, Inc. for an Adjusted Standard, AS 97-9 (Sep. 3, 1998). (Granted as to recycled automotive antifreeze.)
- AS 99-3 Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c), AS 99-3 (Apr. 15, 1999). (Granted as to electric arc furnace dust (otherwise K061 waste) used as feedstock for zinc refining.)
- AS 00-1 Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c), AS 00-1 (Aug. 5, 1999). (Dismissed for failure to file proof of timely publication of a notice of filing.)
- AS 00-2 Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c), AS 00-2 (Feb. 17, 2000). (Granted as to zinc oxide reclaimed from electric arc furnace dust (otherwise K061 waste) used as feedstock for zinc refining.)

- AS 01-7 Petition of Progressive Environmental Services, Inc. for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c), AS 02-7 (Jan. 10, 2002). (Granted as to recycled automotive antifreeze.)
- AS 02-2 Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard under 35 Ill. Adm. Code 720.131, AS 02-2 (May 2, 2002). (Granted as to recycled automotive antifreeze.)
- AS 06-4 Petition of Big River Zinc Corp. for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c), AS 06-4 (May 2, 2002). (Granted as to electric arc furnace dust (otherwise K061 waste) used as feedstock in a zinc reclamation process.)
- AS 08-9 Petition of Big River Zinc Corp. for and Adjusted Standard Under 35 Ill. Adm. Code 721.131(c), AS 08-9 (Sep. 4, 2008). (Revising the solid waste determination made in Petition of Big River Zinc Corp. for and Adjusted Standard Under 35 Ill. Adm. Code 721.131(c), AS 99-3 (May 6, 1999) as to zinc oxide raw material containing EAFD (K061 waste).)

B. Petitions for Hazardous Waste Delistings.

The Board has considered several types of petitions for hazardous waste delisting. After USEPA authorized Illinois to grant delistings, the Board received several petitions requesting Board rulemaking action to delist hazardous wastes. These have included petitions requesting the incorporation of federally granted waste delistings into the Illinois rules using the identical-in-substance procedure of Section 22.4(a) of the Act. After the Board adopted procedures for granting hazardous waste delistings using the adjusted standard procedure of section 28.1 of the Act [415 ILCS 5/28.1] (see the entries for RCRA Delistings, R90-17 (Feb. 28, 1991) in segments I.A.2. and I.A.7. above), the adjusted standard procedure became the dominant mode for hazardous waste delisting in Illinois.

1. Petitions for Inclusion of Federally Granted Delistings in the Illinois Regulations Using the Identical-in-Substance Rulemaking Procedure.

The Board received several petitions for inclusion of federally granted hazardous waste delisting in the Illinois regulations using the identical-in-substance rulemaking procedure of section 22.4(a) of the Act [415 ILCS 5/22.4(a)]:

- R85-2 Petition of Amoco Oil Company Amendment to 35 Ill. Adm. Code Part 721, Appendix I, R85-2 (Apr. 24, 1986); published at 10 Ill. Reg. 8112 (May 16, 1986), effective May 2, 1986. (A limited quantity of chemically stabilized dissolved air floatation float (K048 waste).)
- R87-30 Petition of Envirite Corporation, R87-30 (June 30, 1988); published at 12 Ill. Reg. 12070 (July 22, 1988), effective July 12, 1988. (Dewatered

wastewater treatment sludges from treatment of various listed hazardous waste streams (F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes). Superseded by the adjusted standard in Petition of Envirite Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 94-10 (Dec. 14, 1994) (listed in segment II.B.4. below) and removed in RCRA Subtitle C Update, USEPA Regulations (July 1, 1994, through December 31, 1994, January 3, 1995, and May 19, 1995), R95-6 (June 1, 1995 and June 15, 1995) (listed in segment I.A.2. above.)

R91-12 Petition for USX Corporation for Hazardous Waste Delisting, R91-12 (Dec. 19, 1991); published at 16 Ill. Reg. 2155 (February 7, 1992), effective January 27, 1992. (Granted as to chemically stabilized electric arc furnace dust (K061 waste). Removed in RCRA Subtitle C Update, USEPA Regulations (July 1, 2002 through December 31, 2002), R03-18 (June 5, 2003) (listed in segment I.A.2. above).)

2. Informal Request for Inclusion of a Federally Granted Delisting in the Illinois Regulations in an Identical-in-Substance Update to the Regulations.

The Board granted one request for inclusion of a hazardous waste delisting in a routine identical-in-substance RCRA Subtitle C update:

R95-20 RCRA Subtitle C Update, USEPA Regulations (January 1, 1995, through June 30, 1995, July 7, 1995, September 29, 1995, November 13, 1995, and June 6, 1996), R95-20 (June 20, 1996); published at 20 Ill. Reg. 10929 (Aug. 16, 1996), effective August 1, 1996 (also listed in segment I.A.2. above). (For chemically stabilized electric arc furnace dust (K061 waste) generated by Conversion Systems, Inc. at Sterling, Illinois.)

3. Petitions for a Board Grant of a Delisting Using the Site-Specific Rulemaking Procedure.

USEPA authorized Illinois to grant waste delistings on April 30, 1990. Upon this authorization, USEPA transferred pending delisting petitions to the Board. The Board docketed these as site-specific rulemaking proceedings:

R90-18 USX Corporation, Southworks Delisting (Site-Specific), R90-18 (June 6, 1991). (Dismissed in favor of adopting the delisting by the identical-in-substance procedure in Delisting Petition for USX Corporation (Identical in Substance Rule), R91-12 (Dec. 19, 1991) (listed in segment II.B.1. above).)

R90-19 Woodward Governor Company Delisting (Site-Specific), R90-19 (Nov. 8, 1990). (Voluntarily withdrawn.)

R90-22 Petition of Keystone Steel and Wire Co. for Hazardous Waste Delisting, R90-22 (July 11, 1991). (Voluntarily withdrawn in favor of using the adjusted standard procedure in Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting, AS 91-1 (Feb. 6, 1992) (listed in segment II.B.4. below).)

4. Petitions for a Board Grant of a Delisting Using the Adjusted Standard Procedure.

Waste generators have filed several adjusted standard petitions before the Board pursuant to section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 720.122 for a hazardous waste delisting:

AS 91-1 Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting, AS 91-1 (Feb. 6, 1992). (Granted as to chemically stabilized electric arc furnace dust (K061 waste).)

AS 91-3 Petition of Peoria Disposal Company for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 91-3 (Feb. 4, 1993). (Granted as to chemically stabilized wastewater treatment sludges from electroplating, anodizing, chemical milling and etching, and circuit board manufacturing (F006 waste).)

AS 93-7 Petition of Keystone Steel & Wire Company for an Adjusted Standard from 35 Ill. Adm. Code 721.132, AS 93-7 (Feb. 17, 1994, Mar. 17, 1994, and Dec. 14, 1994). (Granted as to chemically stabilized waste pickling liquor (K062 waste).)

AS 94-10 Petition of Envirite Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 94-10 (Dec. 14, 1994). (Granted as to sludge from the treatment of multiple hazardous wastes (F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes); essentially incorporating and superseding the delisting adopted by a site-specific identical-in-substance rule in R87-30 (listed in segment II.B.1. above).)

AS 96-6 Petition of Amoco Oil Company for an Adjusted Standard from 35 Ill. Adm. Code 721.132, AS 91-4 (Mar. 11, 1992). (Denied as to wastewater treatment solids and soils contaminated with dissolved air flotation float (K048 waste).)

AS 05-3 Petition of Waste Management of Illinois, Inc. for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Solid Treatment Residual for CID Recycling and Disposal Facility Biological Liquid Treatment Center, AS 05-3 (Mar. 17, 2005). (Dismissed for failure to file proof of timely

publication of a notice of filing, lack of proof of service on the Agency, and for deficiencies in the petition.)

- AS 05-7 Petition of Waste Management of Illinois, Inc. for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Solid Treatment Residual for CID Recycling and Disposal Facility Biological Liquid Treatment Center, AS 05-7 (Dec. 15, 2005). (Denied as to lime-conditioned filter cake from the treatment of hazardous and non-hazardous leachates and wastewaters (F001, F002, F003, F004, F005, F039, U202, U210, U220, and U228 wastes).
- AS 06-2 Petition of BP Products North America, Inc. for RCRA Waste Delisting Pursuant to 35 Ill. Adm. Code 720.122, AS 06-2 (Mar. 2, 2006). (Dismissed for failure to file proof of timely publication of a notice of filing.)
- AS 07-1 Petition of BP Products North America, Inc. for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122, AS 07-1 (Feb. 15, 2007). (Denied as to leachate from a landfill containing dissolved air floatation float (K048 waste)).
- AS 08-5 Petition of BFI Waste Systems of North America, Inc. for Waste Delisting, AS 08-5 (Dec. 4, 2008). (Granted as to landfill leachate (F039 waste)).
- AS 08-10 RCRA Delisting Adjusted Standard Petition of Peoria Disposal Co., AS 08-10 (Jan. 8, 2009) (Granted as to stabilized EAFD (K061 waste)).

C. Petitions for Boiler Determinations.

Distinguishing a “boiler” and “industrial furnace” from an “incinerator” determines the regulations that apply to a combustion unit that burns hazardous waste. The distinction determines the applicability of the hazardous waste incinerator standards of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or the boiler and industrial furnace standards of Subpart H of 35 Ill. Adm. Code 726. The distinction further determines applicability of the Comparable Fuels Exclusion of 35 Ill. Adm. Code 721.138 or allows the burning off-specification used oil for energy recovery under 35 Ill. Adm. Code 739.161(a) of the Used Oil Management regulations.

After adoption of section 28.1 of the Act [415 ILCS 5/28.1], Board adopted procedures for granting boiler determinations (see the entry for RCRA Update, USEPA Regulations (April 24, 1984, through June 30, 1985), R85-22 (Dec. 20, 1985 and Jan. 9, 1986) (listed in segment I.A.2. and I.A.7. above). Waste generators have filed a number of petitions before the Board for an adjusted standard pursuant to section 28.1 and 35 Ill. Adm. Code 720.132 for a determination that a unit is a “boiler,” under the definition of that term in 35 Ill. Adm. Code 720.110:

AS 06-1 Petition of LaFarge Midwest, Inc. for Boiler Determination Pursuant to 35 Ill. Adm. Code 720.132 and 720.133, AS 06-1 (Apr. 20, 2006). (Granted as to a slag dryer.)

AS 06-3 Petition of LaFarge Midwest, Inc. for Boiler Determination Through Adjusted Standard Proceedings Pursuant to 35 Ill. Adm. Code 720.132 and 720.133, AS 06-3 (June 1, 2006). (Granted as to two raw mill dryers.)

D. Petitions for Non-Waste Determination.

The amendments to the Definition of Solid Waste Rule adopted in RCRA Subtitle C Update, USEPA Regulations (July 1, 2010 through December 31, 2010), R10-4 (Oct. 7, 2010) instituted a new procedure for a non-waste determination for reclaimed secondary materials. The Board has not yet received an adjusted standard petition pursuant to section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 720.134 for a non-waste determination.

E. Petitions for Regulation as Universal Waste.

The adoption of the Universal Waste Rule in RCRA Subtitle C Update, USEPA Regulations (January 1, 1995, through June 30, 1995, July 7, 1995, September 29, 1995, November 13, 1995, and June 6, 1996), R95-20 (June 20, 1996) (listed in segment I.A.2. above) instituted a new procedure for a determination by rulemaking pursuant to section 22.4(a), (b), or (c) of the Act [415 ILCS 5/22.4(a), (b), or (c)] that a material should be regulated under the standards of the Universal Waste Management Rule instead of as hazardous waste. The Board has not yet received an adjusted standard petition for regulation of a material as universal waste.

F. Petitions for Adjusted Standard Relief from Permit Requirements.

The Board has heard adjusted standard petitions pursuant to section 28.1 of the Act [415 ILCS 5/28.1] for relief from HWM facility permit requirements:

AS 97-4 Petition of Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 703.183, AS 97-4 (June 19, 1997). (Denied as to the requirement that topographic facility map accompany the facility permit application.)

AS 00-14 Petition of Heritage Environmental Services, LLC. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1), AS 00-14 (June 8, 2000). (Dismissed for failure to file proof of timely publication of a notice of filing.)

AS 00-15 Petition of Heritage Environmental Services, LLC. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1), AS 00-15 (Feb. 1, 2001). (Granted to allow alternative permit application certification language).

G. Petitions for Adjusted Standard Relief from Substantive RCRA Subtitle C Requirements.

The Board has heard adjusted standard petitions pursuant to section 28.1 of the Act [415 ILCS 5/28.1] for relief from substantive hazardous waste management requirements and land disposal restrictions:

- AS 90-6 Petition of Marathon Petroleum Company for an Adjusted Standard to Allow Land Disposal of a Waste Prohibited Under 35 Ill. Adm. Code 728.130 through 728.139, AS 90-6 (Sep. 17, 1992). (Voluntarily dismissed.)
- AS 90-8 Petition of Olin Corporation for an Adjusted Standard from 35 Ill. Adm. Code 724 and 725 (Related to Closure and Post Closure of RCRA Regulated Surface Impoundments), AS 90-8 (Feb. 27, 1992). (Granted relief from aspects of the land disposal unit closure requirements to allow delayed closure of a surface impoundment.)
- AS 91-4 Petition of Amoco Oil Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213(d)(1)(B) and 725.321(a), AS 91-4 (Mar. 11, 1992). (Granted relief from aspects of the land disposal unit closure and surface impoundment design requirements.)
- AS 91-10 Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 725.293, AS 91-10 (May 19, 1994). (Voluntarily dismissed.)
- AS 97-3 Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321, AS 97-3 (May 15, 1997). (Granted as to the liner and leachate collection system requirements for surface impoundments.)
- AS 98-6 Wood River Refining Co., a Division of Equilon Enterprises LLC, f/k/a Shell Wood River Refining Co., for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321, AS 98-6 (Mar. 18, 1999). (Granted as to the liner and leachate collection system requirements for surface impoundments.)

H. Petition for Delay in the Effective Date of a Waste Listing Using the Site-Specific Emergency Rulemaking Procedure.

The Board considered temporary relief in the form of an emergency pursuant to section 5-45 of the Administrative Procedure Act [5 ILCS 100/5-45] rule that would delay of the effective date of a hazardous waste listing:

- R91-11 Certain Hazardous Wastes from Primary Zinc Smelting and Refining, 35 Ill. Adm. Code 721.104(b)(7)(U), R91-11 (Aug. 8, 1991). (Based on a petition for variance filed by Big River Zinc Corp. Declining to adopt an emergency

rule to delay the effective date of the K066 waste listing in favor of action undertaken in RCRA Update, USEPA Regulations (July 1, 1990, through December 31, 1990), R91-1 (Aug. 8, 1991) (listed in segment I.A.2. above.)

I. Petitions for a Variance from Various Hazardous Waste Requirements.

The Board considered temporary relief in the form of a variance pursuant to section 35(a) of the Act [415 ILCS 5/35(a)]. In Illinois, the maximum term of a variance is five years, and obtaining a variance depends on a demonstration how the facility will ultimately achieve compliance with the generally applicable requirements before the end of the variance. See section 36(b) of the Act [415 ILCS 5/36(b)]. The limited number of variance petitions filed before the Board are the following:

- PCB 89-202 LaClede Steel Co. v. Illinois EPA, PCB 89-202 (Feb. 22, 1990). (Petition dismissed after the petitioner failed cure deficiencies as directed by a Board order. Seeking relief from the 35 Ill. Adm. Code 728.150 restrictions on storage of hazardous waste restricted for land disposal by 35 Ill. Adm. Code 728.133.)
- PCB 91-61 Big River Zinc Corp. v. Illinois EPA, PCB 91-61 (May 6, 1991). (Petition dismissed after the petitioner failed cure deficiencies as directed by a Board order, and in favor of rulemaking action in Certain Hazardous Wastes from Primary Zinc Smelting and Refining, 35 Ill. Adm. Code 721.104(b)(7)(U), R91-11 (Aug. 8, 1991) (listed in segment II.H. above). Seeking extension of an exclusion from the definition of hazardous waste at 35 Ill. Adm. Code 721.104(b)(7)(U) that expired by its own terms.)
- PCB 91-228 Allsteel, Inc. v. Illinois EPA, PCB 91-228 (Feb. 27, 1992). (Petition dismissed after the petitioner failed cure deficiencies as directed by a Board order. Seeking to extend the time for on-site storage of hazardous waste soil testing samples until disposal could be arranged.)
- PCB 92-90 The Robertson-Ceco Corp. v. Illinois EPA, PCB 92-90 (Oct. 21, 1993). (Denying modification of conditions in the Board order in The Robertson-Ceco Corp. v. Illinois EPA, PCB 86-180 (Dec. 20, 1990) (permit appeal) pertaining to closure of an interim status hazardous waste pile.)
- PCB 94-177 Burlington Environmental, Inc. v. Illinois EPA, PCB 94-177 (Oct. 20, 1994). (Granting a variance from the limitations on the amount of acute hazardous waste used under the treatability study exclusion from the definition of hazardous waste at 35 Ill. Adm. Code 721.104(f)(3) and (f)(4). Related to the petition for site-specific rulemaking in Revisions of Treatability Testing Exclusion Limits, Amendments to 35 Ill. Adm. Code 721.104(f)(3) through (f)(5)), R94-18 (Jan. 11, 1995) (see the entry in segment I.A.7. above.)

- PCB 95-98 JLM Chemicals, Inc. v. Illinois EPA, PCB 95-98 (Sep. 7, 1995). (Denying a determination that phenol production bottoms (K022 waste) are not hazardous waste and denying the alternative request variance from the hazardous waste requirements that hinder sale of the material because the petitioner failed to demonstrate hardship: (1) the petitioner had already come into compliance with the applicable hazardous waste requirements; and (2) the costs of compliance are not an arbitrary or unreasonable hardship.)
- PCB 95-98 JLM Chemicals, Inc. v. Illinois EPA, PCB 95-98 (Sep. 7, 1995). (Denying a determination that phenol production bottoms (K022 waste) are not hazardous waste and denying the alternative request variance from the hazardous waste requirements that hinder sale of the material because the petitioner failed to demonstrate hardship: (1) the petitioner had already come into compliance with the applicable hazardous waste requirements; and (2) the costs of compliance are not an arbitrary or unreasonable hardship.)
- PCB 00-34 Clayton Chemical Acquisition, L.L.C. v. Illinois EPA, PCB 95-98 (Sep. 7, 1995). (Petition dismissed after the petitioner failed cure deficiencies as directed by a Board order and because the Board could not grant the relief sought: (1) relief from a permit condition relative to the time allowed for closure of a hazardous waste management unit required by 35 Ill. Adm. Code 724.213(a); (2) a declaration that a request for permit modification was timely filed; (3) that grounds exist for issuance of a RCRA Part B permit; and (4) a declaration that an air operating permit issued by operation of law.)

III. History of Illinois UIC Regulations

A historical outline of Board adoption of the Illinois UIC regulations follows. The outline lists all Board actions taken to adopt and maintain the Illinois hazardous waste regulations since their inception. The outline includes a listing of all rulemaking, adjusted standard, and variance proceedings before the Board that relate to the (UIC) programs. The end of this outline also includes another item related to the rules: references to USEPA authorizations of the Illinois UIC program.

A. Adoption of UIC Regulations.

The Board adopted the initial Illinois UIC regulations in 1982, and has amended UIC regulations pursuant to the identical-in-substance mandate of section 7.2 and 13(c) of the Act [415 ILCS 5/13(c)] in several dockets to correspond with the federal regulations. The entire listing of all UIC rulemakings follows:

- R81-32 Underground Injection Control (UIC), R81-32 (May 13, 1982); published at 6 Ill. Reg. 12479 (Oct. 15, 1982), effective February 1, 1984.
- R82-18 Amendments to Phase I RCRA Rules, R82-18 (Jan. 13, 1983); published at 7 Ill. Reg. 2518 (Mar. 4, 1983), effective May 17, 1982. (Federal rules and amendments adopted by USEPA during the period November 11, 1981, through June 24, 1982 (also listed in segment I.A.2. above). Combining UIC rules into a RCRA Subtitle C docket. See the entry in segment I.A.1.b. above.)
- R83-39 Amendment of 35 Ill. Adm. Code 704.122 (Underground Injection Control), R83-39 (Dec. 15, 1983); published at 7 Ill. Reg. 17338 (Dec. 20, 1983), effective December 19, 1983. (Amendments adopted by USEPA on April 1, 1983.)
- R84-9 RCRA and UIC Update, R84-9 (June 13, 1985 and June 27, 1985); published at 9 Ill. Reg. 11964 (Aug. 2, 1985), effective July 8, 1985 and July 24, 1985. (Federal rules and amendments adopted by USEPA during the period January 19, 1983, through April 24, 1984. See the entry in segment I.A.1.b. above.)
- R85-23 UIC Update, USEPA Regulations (through June 30, 1985), R85-23 (June 20 and July 11, 1986); published at 10 Ill. Reg. 13274 (Aug. 8, 1986), effective July 28, 1986 and July 29, 1986.
- R86-27 UIC Update, USEPA Regulations (July 1, 1986 through December 31, 1986), R86-27 (Apr. 16, 1987). (Dismissed; no USEPA amendments in the update period.)
- R87-29 UIC Update, USEPA Regulations (January 1, 1987 through June 30, 1987), R87-29 (Jan. 21, 1988); published at 12 Ill. Reg. 6673 (Apr. 8, 1988), effective March 28, 1988.
- R88-2 UIC Update, USEPA Regulations (July 1, 1987 through December 31, 1987), R88-2 (June 30, 1988); published at 12 Ill. Reg. 13700 (Aug. 26, 1988), effective August 16, 1988.
- R88-17 UIC Update, USEPA Regulations (January 1, 1988 through June 30, 1988), R88-17 (Dec. 15, 1988); published at 13 Ill. Reg. 478 (Jan. 13, 1989), effective December 30, 1988.
- R89-2 UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988, (Jan. 25, 1990), R89-2; published at 14 Ill. Reg. 3059 (Mar. 2, 1990), effective February 20, 1990.

- R89-11 UIC Update, USEPA Regulations (January 1, 1989 through June 30, 1989), R89-11 (May 24, 1990); published at 14 Ill. Reg. 11948 (July 20, 1990), effective July 9, 1990.
- R90-5 UIC Update (July 1, 1989 through December 31, 1989), R90-5 (Mar. 22, 1990). (Dismissed; no USEPA amendments in the update period.)
- R90-14 UIC Update, USEPA Regulations (January 1, 1990 through June 30, 1990), R90-14 (May 23, 1991); published at 15 Ill. Reg. 11425 (Aug. 9, 1991), effective July 24, 1991.
- R91-4 UIC Update, USEPA Regulations (July 1, 1990 through December 31, 1990), R91-4 (Feb. 28, 1991). (Dismissed; no USEPA amendments in the update period.)
- R91-16 UIC Update, USEPA Regulations (January 1, 1991 through June 30, 1991), R91-16 (Dec. 6, 1991). (Dismissed; no USEPA amendments in the update period.)
- R92-4 UIC Update, USEPA Regulations (July 1, 1990 through December 31, 1990), R92-4 (Apr. 9, 1992). (Dismissed; no USEPA amendments in the update period.)
- R92-13 UIC Update, USEPA Regulations (January 1, 1992 through June 30, 1992), R92-13 (Feb. 4, 1993); published at 17 Ill. Reg. 6190 (Apr. 16, 1993), effective April 5, 1993.
- R93-6 UIC Update, USEPA Regulations (July 1, 1992 through December 31, 1992), R93-6 (Aug. 5, 1993); published at 17 Ill. Reg. 15641 (Sep. 24, 1993), effective September 14, 1993.
- R93-17 UIC Update, USEPA Regulations (January 1, 1993 through June 30, 1993), R93-17 (Sep. 23, 1993). (Dismissed; no USEPA amendments in the update period.)
- R94-5 UIC Update, USEPA Regulations (July 1, 1993 through December 31, 1993), R94-5 (Nov. 3, 1994); published at 18 Ill. Reg. 18244 (Dec. 23, 1994), effective December 20, 1994.
- R94-24 UIC Update, USEPA Regulations (January 1, 1994 through June 30, 1994), R94-24 (Oct. 6, 1994). (Dismissed because the Board completed action on the UIC amendments in RCRA Subtitle C Update, USEPA Regulations (January 1, 1994, through June 30, 1994), R94-17 (Oct. 20, 1994) (listed in segment I.A.2. above).)

- R95-4 UIC Update, USEPA Regulations (July 1, 1994 through December 31, 1994), R95-4 (June 1, 1995 and June 15, 1995); published at 19 Ill. Reg. 9501 (July 14, 1995), effective June 27, 1995. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (July 1, 1994, through December 31, 1994, January 3, 1995, and May 19, 1995), R95-6 (June 1, 1995 and June 15, 1995) (listed in segment I.A.2. above).)
- R95-18 UIC Update, USEPA Regulations (January 1, 1995 through June 30, 1995), R95-18 (Oct. 5, 1995). (Dismissed; no USEPA amendments in the update period.)
- R96-8 UIC Update, USEPA Regulations (July 1, 1995 through December 31, 1995), R96-8 (Feb. 15, 1996). (Dismissed; no USEPA amendments in the update period.)
- R97-3 UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996), R97-3 (Nov. 6, 1997); published at 22 Ill. Reg. 256 (Jan. 2, 1998), effective December 16, 1997. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (July 1, 1995, through December 31, 1995), R96-10 (Nov. 6, 1997) and RCRA Subtitle C Update, USEPA Regulations (January 1, 1996, through June 30, 1996), R97-5 (Nov. 6, 1997) (listed in segment I.A.2. above).)
- R97-19 UIC Update, USEPA Regulations (July 1, 1996 through December 31, 1996), R97-19 (May 1, 1997). (Dismissed; no USEPA amendments in the update period.)
- R98-3 UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997), R98-3 (Aug. 20, 1998); published at 22 Ill. Reg. 17930 (Oct. 9, 1998), effective September 18, 1998. (Consolidated with RCRA Subtitle C (HW) Update, USEPA Regulations (July 1, 1996, through December 31, 1996), R97-21 (Aug. 20, 1998) and RCRA Subtitle C Update, USEPA Regulations (January 1, 1997, through June 30, 1997), R98-5 (Aug. 20, 1998) (both listed in segment I.A.2. above).)
- R98-19 UIC Update, USEPA Regulations (July 1, 1997 through December 31, 1997), R98-19 (Feb. 19, 1998). (Dismissed; no USEPA amendments in the update period.)
- R99-7 UIC Update, USEPA Regulations (January 1, 1998 through June 3, 1998), R99-7 (Dec. 17, 1998); published at 23 Ill. Reg. 1695 (Feb. 5, 1999), effective January 19, 1999. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (July 1, 1997, through December 31, 1997), R98-21 (Dec. 17, 1998) and RCRA Subtitle C Update, USEPA Regulations (January 1, 1998,

through June 30, 1998), R99-2 (Dec. 17, 1998) (both listed in segment I.A.2. above.)

- R99-13 UIC Update, USEPA Regulations (July 1, 1998 through December 31, 1998), R99-13 (Feb. 18, 1999). (Dismissed; no USEPA amendments in the update period.)
- R00-3 UIC Update, USEPA Regulations (January 1, 1999 through June 3, 1999), R00-3 (Aug. 19, 1999). (Dismissed; no USEPA amendments in the update period.)
- R00-11 UIC Update, USEPA Amendments (July 1, 1999 through December 31, 1999), R00-11 (Dec. 7, 2000); published at 25 Ill. Reg. 18585 (Dec. 22, 2001), effective December 7, 2001. (Consolidated with UIC Update, USEPA Regulations (Jan. 1, 2000 through June 30, 2000), R01-1 (Dec. 7, 2000) (listed in this segment III.A.)
- R01-1 UIC Update, USEPA Amendments (Jan. 1, 2000 through June 30, 2000), R01-1 (Dec. 7, 2000); published at 25 Ill. Reg. 18585 (Dec. 22, 2001), effective December 7, 2001. (Consolidated with UIC Update, USEPA Regulations (July 1, 1999 through December 31, 1999), R00-11 (Dec. 7, 2000) (listed in this segment III.A.).)
- R01-21 UIC Update, USEPA Amendments (July 1, 2000 through December 31, 2000), R01-21 (May 17, 2001); published at 25 Ill. Reg. 9108 (July 20, 2001), effective July 9, 2001. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (July 1, 2000 through December 31, 2000), R01-23 (May 17, 2001) (listed in segment I.A.2. above).)
- R01-30 UIC Corrections, USEPA Amendments (July 1, 1999 through June 30, 1999), R01-30 (Aug. 9, 2001); published at 25 Ill. Reg. 11139 (Aug. 31, 2001), effective April 22, 2002. (Correcting the amendments adopted in UIC Update, USEPA Regulations (July 1, 1999 through December 31, 1999), R00-11 and UIC Update, USEPA Regulations (Jan. 1, 2000 through June 30, 2000), R01-1 (Dec. 7, 2000) (both listed in this segment III.A.) in response to post-adoption comments by USEPA.)
- R02-6 UIC Update, USEPA Regulations (January 1, 2001 through June 3, 2001), R02-6 (Aug. 23, 2001). (Dismissed; no USEPA amendments in the update period.)
- R02-17 UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001), R02-17 (Apr. 18, 2002); published at 26 Ill. Reg. 6667 (May 3, 2002), effective April 22, 2002. (Consolidated with RCRA Subtitle C Update, USEPA Regulations (January 1, 2001 through June 30, 2001), R02-1 (Apr. 18,

2002) and RCRA Subtitle C Update, USEPA Regulations (July 1, 2001 through December 31, 2001), R02-12 (Apr. 18, 2002) (both listed in segment I.A.2. above)..)

- R03-5 UIC Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-5 (Aug. 8, 2002). (Dismissed because no federal actions in the period.)
- R03-16 UIC Update, USEPA Regulations (July 1, 2002 through December 31, 2002), R03-16 (Feb. 6, 2003). (Dismissed because no federal actions in the period.)
- R04-4 UIC Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-4 (Aug. 7, 2003). (Dismissed because no federal actions in the period.)
- R04-14 UIC Update, USEPA Regulations (July 1, 2003 through December 31, 2003), R04-14 (Mar. 4, 2004). (Dismissed because no federal actions in the period.)
- R05-7 UIC Update, USEPA Regulations (January 1, 2004 through June 30, 2004), R05-7 (Sept. 16, 2004). (Dismissed because no federal actions in the period.)
- R05-18 UIC Update, USEPA Regulations (July 1, 2004 through December 31, 2004), R05-18 (Feb. 3, 2005). (Dismissed because no federal actions in the period.)
- R06-5 UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005), R06-5 (Jan. 5, 2006 and Feb. 2, 2006); published at 30 Ill. Reg. 2845 (Mar. 10, 2006), effective February 23, 2006. (Consolidated with RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-6 (Jan. 5, 2006 and Feb. 2, 2006) and RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-7 (Jan. 5, 2006 and Feb. 2, 2006) (listed in segment I.A.2. above).)
- R06-16 UIC Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-16 (Nov. 16, 2006); published at 31 Ill. Reg. 438 (Jan. 12, 2008), effective December 20, 2007. (Consolidated with RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-17 (Nov. 16, 2006) and RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-18 (Nov. 16, 2006) (listed in segment I.A.2. above).)
- R07-3 UIC Update, USEPA Regulations (January 1, 2006 through June 30, 2006), R07-3 (Sep. 21, 2006). (Dismissed because no federal actions in the period.)
- R07-12 UIC Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R07-12 (Feb. 1, 2007). (Dismissed because no federal actions in the period.)

- R08-1 UIC Update, USEPA Regulations (January 1, 2007 through June 30, 2007), R08-1 (Sep. 6, 2007). (Dismissed because no federal actions in the period.)
- R08-14 UIC Update, USEPA Regulations (July 1, 2007 through December 31, 2007), R08-14 (Mar. 6, 2008). (Dismissed because no federal actions in the period.)
- R09-1 UIC Update, USEPA Regulations (January 1, 2008 through June 30, 2008), R09-1 (Aug. 21, 2008). (Dismissed because no federal actions in the period.)
- R09-14 UIC Update, USEPA Regulations (January 1, 2010 through June 30, 2010), R09-14 (Feb. 19, 2009). (Dismissed because no federal actions in the period.)
- R10-2 UIC Update, USEPA Regulations (July 1, 2010 through December 31, 2010), R10-2 (Aug. 20, 2009). (Dismissed because no federal actions in the period.)
- R10-11 UIC Update, USEPA Regulations (July 1, 2009 through December 31, 2009), R10-11 (Apr. 1, 2010). (Dismissed because no federal actions in the period.)
- R11-7 UIC Update, USEPA Regulations (January 1, 2010 through June 30, 2010), R11-7 (Aug. 5, 2010). (Dismissed because no federal actions in the period.)
- R11-14 UIC Update, USEPA Amendments (July 1, 2010 through December 31, 2010), R11-14 (January 5, 2012); effective January 20, 2012.
- R12-5 UIC Update, USEPA Regulations (January 1, 2011 through June 30, 2011), R12-5 (Aug. 4, 2011). (Dismissed because no federal actions in the period.)
- R12-18 UIC Update, USEPA Regulations (July 1, 2011 through December 31, 2011), R12-18 (Feb. 2, 2012). (Dismissed because no federal actions in the period.)
- R13-3 UIC Update, USEPA Regulations (January 1, 2012 through June 30, 2012), R13-3 (Aug. 23, 2012). (Dismissed because no federal actions in the period.)

B. Other UIC Actions.

1. Department of Energy and Natural Resources Study of UIC Regulations.

The Board opened a docket to consider possible amendments to the UIC regulations in response to a study conducted by the Department of Energy and Natural Resources pursuant to the then-current section 6.2 of the Act (Ill. Rev. Stat. 1989, ch 111½, ¶ 1006.2). That proceeding was as follows:

- R81-32 The Illinois Department of Energy and Natural Resources Evaluation of Underground Injection Control, R89-15 (May 21, 1992). (Dismissed without rulemaking action.)

2. Petitions for No-Migration Exemptions.

The Board has considered petitions for relief from a UIC land disposal restriction based on a “no-migration exception” that would allow continued injection of hazardous waste. The initial petition sought relief by general rulemaking pursuant to section 27 of the Act [415 ILCS 5/27]. Later petitions sought relief by the adjusted standard procedure pursuant to section 28.1 of the Act [415 ILCS 5/28.1].

a. Petition for No-Migration Exemptions by General Rulemaking.

R92-16 Petition of Cabot Corp. to Update UIC Regulations, or, in the Alternative, for an Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, R92-16 (Aug. 13, 1992). (Dismissed in favor of proceeding under the adjusted standard procedure in Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 92-8 (Feb. 17, 1994) (listed in this segment III.B.2.b. below).)

b. Petitions for No-Migration Exemptions by Adjusted Standard.

The Board has received adjusted standard petitions for a “no migration determination” to allow the continued underground injection of hazardous waste:

AS 92-8 Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 92-8 (Feb. 17, 1994). (Granted no migration exception to allow continued injection of acidic waste from various sources (D002 waste); spent acetone from a laboratory (F003 waste); and contaminated surface water, seepage, leachate, and groundwater from the site (F039 waste). See the entries in this segment III.B.2.b. and segments III.B.2.a. above and III.B.2.c. below.)

AS 96-3 Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 92-8 (Mar. 7, 1996). (Granted to expansion of the exemption granted in Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 92-8 (Feb. 17, 1994) (listed in this segment III.B.2.b.) to include an additional injection well.)

AS 07-5 Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 07-5 (May 17, 2007). (Dismissed for failure to file proof of timely publication of a notice of filing; seeking modification of the exemption granted in Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code

738.Subpart B, AS 96-3 (Mar. 7, 1996) (listed in this segment III.B.2.b.)

AS 07-6 Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 07-6 (Oct. 7, 2010). (Granting modification of a condition to the exemption granted in Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 96-3 (Mar. 7, 1996) (listed in this segment III.B.2.b.) to allow injection into two of the three previously approved injection wells).

AS 12-1 Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 12-1 (Nov. 18, 2010) (accepted for hearing). (Requesting modification of the exemption granted in Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 07-6 (Nov. 18, 2010) (listed in this segment III.B.2.b.)

3. Petitions for a Variance from UIC Requirements.

The Board has received petitions for a variance from specific underground injection control regulations:

PCB 92-179 Cabot Corp. v. Illinois EPA, PCB 92-179 (Mar. 7, 1993). (Granting a variance from the casing inspection log requirements of 35 Ill. Adm. Code 730.168(d)(4); declining a variance from permit requirements.)

PCB 94-155 Cabot Corp. v. Illinois EPA, PCB 92-179 (Mar. 7, 1993). (Granting modification of the variance granted in Cabot Corp. v. Illinois EPA, PCB 92-179 (Mar. 7, 1993) (listed in this segment III.B.3.)

C. USEPA Authorizations of the Illinois UIC Program.

USEPA periodically reviews the Illinois UIC program. As a result of these reviews, USEPA has granted Illinois a number of authorizations. USEPA acted with regard to authorization of the Illinois UIC program as follows:

February 1, 1984 (at 49 Fed. Reg. 3991), effective March 3, 1984 (authorization of the State UIC program).

May 11, 1984 (at 49 Fed. Reg. 20197) (codified the program authorization as subpart O of 40 C.F.R. 147 (40 C.F.R. 147.700-147.702).

October 25, 1988 (at 53 Fed. Reg. 43080, 43087) (amended 40 C.F.R. 147.700 and 147.701 and added 40 C.F.R. 147.702 in an action that affected multiple state programs with regard to regulation of wells on Indian lands within each state.)