

R16-7, RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2015 through June 30, 2015, July 2, 2015)

On June 16, 2016, the Board adopted amendments to the Illinois hazardous waste regulations. The amendments are “identical in substance” to amendments adopted by the United States Environmental Protection Agency (USEPA) to the federal Resource Conservation and Recovery Act (RCRA) Subtitle C (hazardous waste) regulations. The update includes several USEPA actions that occurred during the first half of 2015, as well as two subsequent USEPA actions (both occurring July 2, 2015). During that period, USEPA significantly amended the Definition of Solid Waste Rule as it relates to recycling and reclamation of hazardous secondary materials; removed the Syngas and Comparable Fuels exclusions, which a federal court vacated in 2014; expanded the Fossil Fuels exclusion from the definition of “hazardous waste” to include waste materials called “associated waste” from handling and combusting fossil fuels; and made various technical corrections. The amendments also incorporate two requested corrections by the Joint Committee on Administrative Rules, corrections suggested by USEPA based on its periodic review of Illinois hazardous waste rules, and additional corrections identified by the Board in reviewing the Illinois hazardous waste regulations.

The Board previously proposed amendments for public comment. The Board received comments from the Illinois Environmental Protection Agency, the Illinois Environmental Regulatory Group, and the Dow Chemical Company. In its final opinion, the Board addressed these comments within the statutory framework of identical-in-substance rulemaking. The final amendments substantively track the proposed amendments.

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