

Board Proposes “Identical-in-Substance” Amendments to Hazardous Waste, MSWLF, and UIC Rules

On May 24, 2018, the Board proposed amendments that would incorporate four United States Environmental Protection Agency (USEPA) actions into the Illinois hazardous waste, Municipal Solid Waste Landfill (MSWLF), and underground injection control (UIC) rules. The Board anticipates promptly adopting final rules based on this proposal after (1) the customary 45-day public comment period, which begins upon publication of the proposed rules in the *Illinois Register*, and (2) the subsequent 30-day hold for USEPA review before filing the final rules with the Secretary of State. Descriptions of USEPA’s four actions follow. First, on November 28, 2016, USEPA adopted the Generator Improvements Rule (GIR), which significantly revised the requirements for hazardous waste generators. Second, also on November 28, 2016, USEPA revised the requirements for imports and exports of hazardous waste. The changes will ultimately require using electronic documentation for all hazardous waste imports and exports. Third, on August 29, 2017, USEPA set December 31, 2017 as the date for using the Automated Export System (AES) for the notices required for hazardous waste exports. Fourth and finally, on December 26, 2017, USEPA revised its rules to disallow any claims of confidential business information (CBI) for documents relating to exports, imports, and transit of hazardous waste and to exports of conditionally excluded cathode ray tubes (CRTs).

The Board’s “identical-in-substance” rulemaking is captioned RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), docket R17-14, RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), docket R17-15, RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2017 through December 31, 2017), docket R18-12, and UIC Update: Miscellaneous Non-Substantive Revisions and Corrections to 35 Ill. Adm. Code 704, 705, 730, and 738, docket R18-31 (consol.). Here is a link to the Board’s [opinion and order](#), which includes the proposed rule text. And, here is a link to the Board’s [addendum](#), which provides tables of information concerning the rulemaking. For more information, please contact Michael McCambridge at 312-814-6924 or Michael.McCambridge@Illinois.Gov.