

## **Board Adopts “Identical-in-Substance” Amendments to Hazardous Waste, MSWLF, and UIC Rules; Invites Public Comment on Two Provisions**

On October 4, 2018, the Board adopted amendments to Illinois’ rules on hazardous waste, Municipal Solid Waste Landfills (MSWLFs), and underground injection control (UIC). Many of the rule amendments were driven by United States Environmental Protection Agency (USEPA) actions that occurred during the second half of 2016 and the second half of 2017.

To move the Board’s rule amendments forward as rapidly and efficiently as possible, the Board consolidated four of its “identical-in-substance” rulemaking dockets. The subjects of Board dockets R17-14 and R17-15 are USEPA’s Generator Improvements Rule (GIR) and Hazardous Waste Export-Import Revisions, adopted in 2016. In 2017, USEPA set a date to implement the export provisions of the GIR and eliminated the possibility of claiming confidentiality for information on exports of used cathode ray tubes (CRTs). These are the subject of Board docket R18-12. USEPA did not amend its UIC rules during 2016 or 2017 in any way that required Board action. Rather, the Board reviewed the Illinois UIC rules and found that non-substantive revisions and corrections were necessary. These are the subject of Board docket R18-31.

In its October 4, 2018 opinion, the Board noted that it would delay filing the adopted amendments for 30 days to allow USEPA review—after that, the Board would file the final amendments with the Office of the Secretary of State, when they would become effective. However, because the Board significantly revised two provisions that it had proposed for public comment, the Board stated that it would take advantage of the customary 30-day delay by accepting additional public comment—until October 26, 2018—on those two provisions: (1) 35 Ill. Adm. Code 722.333, relating to additional episodic events; and (2) the definition of “municipal solid waste landfill unit” in 35 Ill. Adm. Code 810.103.

This Board 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 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](mailto:Michael.McCambridge@Illinois.Gov).