



216-7

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

August 19, 2016

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AUG 23 2016  
STATE OF ILLINOIS  
Pollution Control Board

POLLUTION CONTROL BOARD  
DON BROWN  
100 W RANDOLPH ST  
STE 11-500  
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 40, Issue 35 of the Illinois Register, dated 8/26/2016.

ADOPTED RULES

- RCRA Permit Program
  - 35 Ill. Adm. Code 703 11271
  - Point of Contact: Mike McCambridge
- Hazardous Waste Management System: General
  - 35 Ill. Adm. Code 720 11286
  - Point of Contact: Mike McCambridge
- Identification and Listing of Hazardous Waste
  - 35 Ill. Adm. Code 721 11367
  - Point of Contact: Mike McCambridge
- Standards Applicable to Generators of Hazardous Waste
  - 35 Ill. Adm. Code 722 11717
  - Point of Contact: Mike McCambridge
- Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
  - 35 Ill. Adm. Code 724 11726
  - Point of Contact: Mike McCambridge
- Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
  - 35 Ill. Adm. Code 725 11830
  - Point of Contact: Mike McCambridge



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Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

35 Ill. Adm. Code 726

11955

Point of Contact: Mike McCambridge

Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit

35 Ill. Adm. Code 727

12011

Point of Contact: Mike McCambridge

Land Disposal Restrictions

35 Ill. Adm. Code 728

12052

Point of Contact: Mike McCambridge

Standards for Universal Waste Management

35 Ill. Adm. Code 733

12268

Point of Contact: Mike McCambridge

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for Universal Waste Management
- 2) Code Citation: 35 Ill. Adm. Code 733
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
733.104	Amendment
733.132	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: AUG - 9 2016
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these Amendments contain incorporations by reference? No.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted June 16, 2016 in docket R16-7, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: 40 Ill. Reg. 4827; March 18, 2016
- 10) Has JCAR issued a statement of objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the proposal and the final version: A table that appears in a document entitled "Identical-in -Substance Rulemaking Addendum (Final)" that the Board added to docket R16-7 summarizes the differences between the amendment adopted in the June 16, 2016 in docket R16-7 and those proposed by the Board in an opinion and order dated March 3, 2016, in docket R16-7. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendment.

The differences are limited to minor corrections and clarifications. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

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NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the March 18, 2016 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in docket R16-16, as indicated in item 11 above. See the Identical-in-Substance Rulemaking Addendum (Final) in docket R16-16 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in the Identical-in-Substance Rulemaking Addendum (Final) itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will these amendments replace emergency amendments currently in effect? No.

- 14) Are there any other Amendments pending on this Part? No.

- 15) A Complete Description of Subjects and Issues Involved: The amendments to Part 733 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726, 727, and 728, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of June 18, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 733 are corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Identical-in-Substance Rulemaking Addendum (Final) in docket R16-16 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the Identical-in-Substance Rulemaking Addendum (Final) in docket R16-16.

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Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding these adopted amendments shall be directed to:  
Please reference consolidated docket R16-7 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601

312-814-6924  
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of June 16, 2016 at 312-814-3620.  
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the Adopted amendments begins on the next page:

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 733

STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section	
733.101	Scope
733.102	Applicability: Batteries
733.103	Applicability: Pesticides
733.104	Applicability: Mercury-Containing Equipment
733.105	Applicability: Lamps
733.106	Applicability: Mercury-Containing Equipment (Repealed)
733.107	Applicability: Mercury-Containing Lamps (Repealed)
733.108	Applicability: Household and Conditionally Exempt Small Quantity Generator Waste
733.109	Definitions

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	
733.110	Applicability
733.111	Prohibitions
733.112	Notification
733.113	Waste Management
733.114	Labeling and Marking
733.115	Accumulation Time Limits
733.116	Employee Training
733.117	Response to Releases
733.118	Off-Site Shipments
733.119	Tracking Universal Waste Shipments
733.120	Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section	
733.130	Applicability
733.131	Prohibitions
733.132	Notification
733.133	Waste Management

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

733.134	Labeling and Marking
733.135	Accumulation Time Limits
733.136	Employee Training
733.137	Response to Releases
733.138	Off-Site Shipments
733.139	Tracking Universal Waste Shipments
733.140	Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	
733.150	Applicability
733.151	Prohibitions
733.152	Waste Management
733.153	Accumulation Time Limits
733.154	Response to Releases
733.155	Off-site Shipments
733.156	Exports

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	
733.160	Applicability
733.161	Off-Site Shipments
733.162	Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section	
733.170	Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	
733.180	General
733.181	Factors for Petitions to Include Other Wastes

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29

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Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL

**Section 733.104 Applicability: Mercury-Containing Equipment–~~Mercury Thermostats~~**

- a) Mercury-containing equipment covered under this Part. The requirements of this Part apply to persons managing mercury-containing equipment, as described in Section 733.109, except those listed in subsection (b) ~~of this Section~~.
- b) Mercury-containing equipment not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing equipment:
  - 1) Mercury-containing equipment that is not yet waste pursuant to 35 Ill. Adm. Code 721. Subsection (c) ~~of this Section~~ describes when mercury-containing equipment becomes waste;
  - 2) Mercury-containing equipment that is not hazardous waste. Mercury-containing equipment is a hazardous waste if it is a waste (see subsection (b)(1) ~~of this Section~~) and it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or is listed in Subpart D of 35 Ill. Adm. Code 721; and
  - 3) Equipment and devices from which the mercury-containing components have been removed.
- c) Generation of Waste Mercury-Containing Equipment ~~waste mercury-containing equipment~~.
  - 1) A used mercury-containing equipment becomes a waste on the date it is discarded.
  - 2) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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NOTICE OF ADOPTED AMENDMENTS

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

**Section 733.132 Notification**

- a) Written notification of universal waste management.
  - 1) Except as provided in subsections (a)(2) and (a)(3) ~~of this Section~~, a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
  - 2) A large quantity handler of universal waste that has already notified USEPA and ~~or~~ the Agency of its hazardous waste management activities and which has received a USEPA Identification Number is not required to renotify pursuant to this Section.
  - 3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to USEPA and ~~or~~ the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides pursuant to this Section.
- b) This notification must include the following:
  - 1) The universal waste handler's name and mailing address;
  - 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
  - 3) The address or physical location of the universal waste management activities;
  - 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, or lamps); and
  - 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

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BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use USEPA Form 8700-12 for notification. (~~Obtain~~ ~~to obtain~~ USEPA Form 8700-12 from call the Agency at 217-782-6761.) The generator or consolidation point must notify the Agency and USEPA Region 5, either by submitting USEPA Form 8700-12 or by some other means. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)