

Board Proposes First-Notice Amendments to Rules for Non-Hazardous, Special Waste Manifests

On November 7, 2019, the Board proposed rule amendments for first-notice publication in the *Illinois Register*. The proposal would amend the Board's manifesting requirements for non-hazardous, special waste transportation (35 Ill. Adm. Code 809). The rulemaking was initiated by the Illinois Environmental Protection Agency (IEPA).

For transporting exclusively State-regulated, non-hazardous special waste in Illinois, current Board rules require using the comprehensive and widely-accepted Uniform Hazardous Waste Manifest of the United States Environmental Protection Agency (USEPA). Complying with that requirement, however, is no longer economical or efficient. Under recent federal rule changes, USEPA now requires compliance with its new e-Manifest System whenever a Uniform Hazardous Waste Manifest is used, even if it is used for transporting non-hazardous waste. The Board's rulemaking record established that compliance with the e-Manifest System imposes significant additional costs and administrative burdens. The Board found that these costs and burdens—for non-hazardous, special waste transportation—come with no added environmental benefit.

To alleviate the unintended and unnecessary economic and administrative burdens on transporting non-hazardous special waste in Illinois, the Board's proposed amendments would require a State manifest instead of USEPA's Uniform Hazardous Waste Manifest. However, the State manifest, to be prescribed by IEPA, will be functionally identical to the Uniform Hazardous Waste Manifest and therefore not diminish IEPA oversight of non-hazardous, special waste transportation.

The Board is accepting public comments on its first-notice proposal. The Board held two hearings in this rulemaking and no additional hearings are currently scheduled. The rulemaking is captioned [Amendments to Manifesting Requirements: Special Waste Hauling 35 Ill. Adm. Code 809](#), docket R19-18. Here are links to the Board's [first-notice opinion and order](#) and the Board's [addendum](#) containing the proposed amendments. For more information, please contact Marie Tipsord at 312-814-4925 or marie.tipsord@illinois.gov.