

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: RCRA and UIC Permit Programs
- 2) Code Citation: 35 Ill. Adm. Code 702
- 3) Section Number: 702.152                      Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13(c), 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 702 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The following briefly summarizes the federal actions included the consolidated R20-3/R20-11:

On February 22, 2019 (83 Fed. Reg. 5816), USEPA established alternative rules for managing hazardous waste pharmaceuticals. The rules establish sector-specific standards that apply to hospitals, healthcare facilities, and reverse distributors managing hazardous waste pharmaceuticals in lieu of the general hazardous waste management standards. USEPA also changed the P075 hazardous waste listing to exclude therapeutic nicotine products.

On December 9, 2019 (83 Fed. Reg. 67202), USEPA added aerosol cans to the Universal Waste Rule. This eases the regulatory burden of managing waste aerosol cans under the hazardous waste rules. It promotes collection and recycling of waste aerosol cans, encourages developing programs for collecting and recycling them, and diverts them from disposal in MSWLFs) and combustors.

Additionally, consolidated R20-3/R20-11 further includes limited non-substantive corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board received requests from JCAR and the Illinois Environmental Protection Agency for corrections to amendments adopted in prior rulemaking. The Board includes stylistic revisions to provisions opened for amendments, many of

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anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

Specifically, the amendment to Part 702 makes necessary corrections not directly derived from the present USEPA amendments, including a correction requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to the record of consolidated docket R20-3/R20-11. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the IIS-RA(P) in consolidated docket R20-3/R20-11.

Sections 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 JCAR.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 and be addressed to:

Don A. Brown, Clerk

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Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R20-3/R20-11:

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 at 312/814-3620, or download a copy from the Board's Website at [pcb.illinois.gov](http://pcb.illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. This proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendment require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. This proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendment may require the services of an attorney, certified public accountant, chemist and registered professional engineer. This

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proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

The full text of the Proposed Amendment begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE G: WASTE DISPOSAL  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4 SUBCHAPTER b: PERMITS

5  
6 PART 702  
7 RCRA AND UIC PERMIT PROGRAMS

8  
9 SUBPART A: GENERAL PROVISIONS

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11 Section  
12 702.101 Purpose, Scope, and Applicability  
13 702.102 Electronic Reporting  
14 702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board  
15 702.104 References  
16 702.105 Rulemaking  
17 702.106 Adoption of Agency Criteria  
18 702.107 Permit Appeals and Review of Agency Determinations  
19 702.108 Variances and Adjusted Standards  
20 702.109 Enforcement Actions  
21 702.110 Definitions

22  
23 SUBPART B: PERMIT APPLICATIONS

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25 Section  
26 702.120 Permit Application  
27 702.121 Who Applies  
28 702.122 Completeness  
29 702.123 Information Requirements  
30 702.124 Recordkeeping  
31 702.125 Continuation of Expiring Permits  
32 702.126 Signatories to Permit Applications and Reports

33  
34 SUBPART C: PERMIT CONDITIONS

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36 Section  
37 702.140 Conditions Applicable to all Permits  
38 702.141 Duty to Comply  
39 702.142 Duty to Reapply  
40 702.143 Need to Halt or Reduce Activity Not a Defense  
41 702.144 Duty to Mitigate  
42 702.145 Proper Operation and Maintenance  
43 702.146 Permit Actions

44	702.147	Property Rights
45	702.148	Duty to Provide Information
46	702.149	Inspection and Entry
47	702.150	Monitoring and Records
48	702.151	Signature Requirements
49	702.152	Reporting Requirements
50	702.160	Establishing Permit Conditions
51	702.161	Duration of Permits
52	702.162	Schedules of Compliance
53	702.163	Alternative Schedules of Compliance
54	702.164	Recording and Reporting

55

SUBPART D: ISSUED PERMITS

56

57  
58 Section

59	702.181	Effect of a Permit
60	702.182	Transfer
61	702.183	Modification
62	702.184	Causes for Modification
63	702.185	Facility Siting
64	702.186	Revocation
65	702.187	Minor Modifications

66

67 AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the  
68 Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

69

70 SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19  
71 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective  
72 July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in  
73 R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131,  
74 effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987;  
75 amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill.  
76 Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July  
77 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in  
78 R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273,  
79 effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993;  
80 amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill.  
81 Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June  
82 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-  
83 10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill.  
84 Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective  
85 December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December  
86 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. 17647, effective October 14, 2011; amended

87 in R11-14 at 36 Ill. Reg. 1588, effective January 20, 2012; amended in R17-14/R17-15/R18-  
88 12/R18-31 at 42 Ill. Reg. 20953, effective November 19, 2018; amended in R20-3/R20-11 at 44  
89 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

90  
91 SUBPART C: PERMIT CONDITIONS

92  
93 **Section 702.152 Reporting Requirements**

- 94  
95 a) Planned Changes. The permittee must give notice to the Agency as soon as  
96 possible of any planned physical alterations or additions to the permitted facility.  
97  
98 b) Anticipated ~~Noncompliance~~noncompliance. The permittee must give advance  
99 notice to the Agency of any planned changes in the permitted facility or activity  
100 that may result in noncompliance with permit requirements. For RCRA, see also  
101 35 Ill. Adm. Code 703.247.  
102  
103 c) Transfers. This permit is not transferable to any person, except after notice to the  
104 Agency. The Agency may require modification of the permit to change the name  
105 of the permittee and incorporate such other requirements as may be necessary  
106 under the appropriate Act. (See Sections 702.182 and 702.183, in some cases  
107 modification is mandatory.)  
108  
109 d) Monitoring Reports. Monitoring results must be reported at the intervals  
110 specified in the permit.  
111  
112 e) Compliance Schedules. Reports of compliance or non-compliance with, or any  
113 progress reports on, interim and final requirements contained in any compliance  
114 schedule of the permit must be submitted no later than specified in Section  
115 702.162.  
116  
117 f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or  
118 704.181(d).  
119  
120 g) Other Noncompliance. The permittee must report all instances of noncompliance  
121 not reported pursuant to subsections (d), (e), and (f) at the time monitoring reports  
122 are submitted. The reports must contain the information referenced in subsection  
123 (f).  
124  
125 h) Other Information. Where the permittee becomes aware that it failed to submit  
126 any relevant facts in a permit application, or submitted incorrect information in a  
127 permit application or in any report to the Agency, it must promptly submit such  
128 facts or information.  
129

130  
131  
132

BOARD NOTE: Derived from 40 CFR 144.51(l) and 270.30(l) ~~(2017)~~.  
(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



# AGENCY P vs JCAR FOI

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER b: PERMITS

PART 702  
RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

702.101 Purpose, Scope, and Applicability  
702.102 Electronic Reporting  
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Agency or Board  
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702.120 Permit Application  
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702.151 Signature Requirements  
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702.160 Establishing Permit Conditions  
702.161 Duration of Permits

702.162 Schedules of Compliance  
702.163 Alternative Schedules of Compliance  
702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

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702.181 Effect of a Permit  
702.182 Transfer  
702.183 Modification  
702.184 Causes for Modification  
702.185 Facility Siting  
702.186 Revocation  
702.187 Minor Modifications

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. 17647, effective October 14, 2011; amended in R11-14 at 36 Ill. Reg. 1588, effective January 20, 2012; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20953, effective November 19, 2018; amended in R20-3/R20-11 at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: PERMIT CONDITIONS

Section 702.152 Reporting Requirements

a) Planned Changes. The permittee must give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.

b) Anticipated Noncompliance~~noncompliance~~. The permittee must give advance notice to the Agency of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. For RCRA, see also 35 Ill. Adm. Code 703.247.

c) Transfers. This permit is not transferable to any person, except after notice to the Agency. The Agency may require modification of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. (See Sections 702.182 and 702.183, in some cases modification is mandatory.)

d) Monitoring Reports. Monitoring results must be reported at the intervals specified in the permit.

e) Compliance Schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit must be submitted no later than specified in Section 702.162.

f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or 704.181(d).

g) Other Noncompliance. The permittee must report all instances of noncompliance not reported pursuant to subsections (d), (e), and (f) at the time monitoring reports are submitted. The reports must contain the information referenced in subsection (f).

h) Other Information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Agency, it must promptly submit such facts or information.

BOARD NOTE: Derived from 40 CFR 144.51(1) and 270.30(1) ~~-(2017)~~.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective

\_\_\_\_\_)  
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~~POLLUTION CONTROL BOARD~~  
~~NOTICE OF PROPOSED AMENDMENT~~  
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