

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1987

IN THE MATTER OF:)
)
) R84-43
NON-HAZARDOUS SPECIAL WASTE)
MANIFESTS)

ORDER OF THE BOARD (by J.D. Dumelle):

Public Act 83-1461, which became effective on September 12, 1984, contained the following directive:

Section 22.01. By January 1, 1986, the Board shall review and consider the repeal of any existing rule or regulation that requires manifests for the shipment of non-hazardous special wastes. However, the Board shall adopt regulations that require that facilities accepting non-hazardous special wastes file a report with the Agency on an annual basis, specifying the quantities and disposition of non-hazardous special wastes accepted for treatment, storage or disposal.

Nothing in this Section shall be interpreted or construed to prohibit any company treating, storing or disposing of non-hazardous special wastes from requiring manifests to be submitted to it for such wastes. [Ill. Rev. Stat. 1983, ch. 111-1/2, new par. 1022.01, as amended by P.A. 83-1461, effective September 17, 1984].


In response to this directive on December 20, 1984, the Board established a docket for review and consideration of the manifest requirement for Non-Hazardous Special Wastes. Inquiry hearings were held on March 4, 1985, and March 29, 1985. The Board received numerous comments suggesting deferment of R84-43 proceedings pending the outcome of R85-27, which involved classifying and regulating Special Wastes according to their degree of hazard. The proposed rules would have required the filing of an annual report beginning July 1, 1987.

On December 20, 1985, the Board adopted a First Notice Opinion and Order in this action. Additionally, the Board consolidated this action with R85-27, explaining that because R85-27 was considering the special waste issue in response to a separate mandate contained in Section 22.9, it would be imprudent to repeal or modify the manifest requirements at that time.

During the First Notice Comment Period for the R84-43 annual report requirement, various commenters, including the Illinois Environmental Regulatory Group, Waste Management of Illinois, and Olin Corporation again argued that the mandates of Sections 22.01 and 22.9 must be read and implemented together to avoid a variety of compliance and enforcement problems. The Board is persuaded by these comments that it is indeed preferable to deal with the specifics of the annual report question in conjunction with the related manifest/special waste categorization issues. Docket R84-43 proposal is accordingly dismissed, and the Docket is closed. The R84-43 record is, however, included in Docket R85-27 by virtue of the December 20, 1985 Consolidation Order and issues raised in R84-43 will be considered in R85-27.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of December, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board