

ILLINOIS POLLUTION CONTROL BOARD
December 15, 1983

In the matter of:)
)
TECHNICAL CORRECTIONS) R83-24
TO PHASE II RCRA RULES)

FINAL ORDER. ADOPTED RULE

ORDER OF THE BOARD (by D. Anderson):

The Board hereby amends 35 Ill. Adm. Code 700.106, 700.501, 703.127 and 703.153. The full text of the amendments is attached to this Order and will appear in the Opinion volumes. This Order is supported by an Opinion with this same date.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of December, 1983 by a vote of 7-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: GENERAL PROVISIONS

PART 700
OUTLINE OF WASTE DISPOSAL REGULATIONS

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SUBPART F: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

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Appendix A Applicability Provisions

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1013, 1022.4 and 1027.)

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in Section 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in Section 700.106; amended in R81-32, 47 PCB 93, at 6 Ill. Reg. 12,655, effective as noted in Section 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, at 7 Ill. Reg. 14457, effective October 12, 1983; amended in R83-24, at 7 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 700.106 Effective Dates

- a) The effective date of 35 Ill. Adm. Code 700, 720, 721, 722, 723 and 725 is May 17, 1982. Earlier effective dates specified in the rules are inoperative and are applicable only as federal rules.
- b) 35 Ill. Adm. Code 702, 704 and 705, to the extent they apply to the issuance of UIC (Underground Injection Control) permits ~~shall become~~ became effective ~~upon~~ on the effective date of this Section. However, UIC permits shall not be issued prior to the date on which USEPA approves the UIC program for the State of Illinois pursuant to Section 1422 of the SDWA (Safe Drinking Water Act) and 40 CFR 123.

- c) 35 Ill. Adm. Code 730 ~~shall become~~ became effective upon on the effective date of this Section. However, UIC permits shall not be issued prior to the date upon which USEPA approves the UIC program for the State of Illinois pursuant to Section 1422 of the SDWA and 40 CFR 123.
- d) 35 Ill. Adm. Code 702 and 705, to the extent they apply to the issuance of RCRA permits, ~~shall become~~ became effective upon on the effective date of this Section. However, RCRA permits shall not be issued prior to the date upon which USEPA grants final authorization for any component of the Phase II RCRA program.
- e) 35 Ill. Adm. Code 703, ~~Subparts B and C shall become effective when filed; otherwise, Part 703 shall become effective at the same time as Parts 702 and 705.~~
- f) ~~35 Ill. Adm. Code 724 will become effective when filed;~~ and 724 became effective October 12, 1983; however, RCRA permits shall not be issued prior to the date on which USEPA grants final authorization to the Agency to issue permits for that class of facility or unit.

(Source: Amended at Ill. Reg. , effective .)

SUBPART E: OWNERS AND OPERATORS OF HWM SITES

Section 700.501 Permits

- a) Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703 require RCRA permits for owners and operators of HWM facilities. 35 Ill. Adm. Code 703 contains "interim status" rules which provide that RCRA permits are deemed issued for certain facilities.
- b)
 - 1) After final authorization ~~the~~ owner or operator of an HWM facility for which an actual RCRA permit has been issued must obtain a permit pursuant to Section 21(d) of the Environmental Protection Act, ~~Rules-201~~

~~and-202-of-Chapter-7~~ and 35 Ill. Adm. Code 807.201 and 807.202 only for treatment, storage and disposal units which accept non-hazardous waste and which are otherwise subject to that permit requirement. The Agency may consolidate these permits for review.

2) Until final authorization HWM owners and operators must obtain permits pursuant to Section 21(d) of the Environmental Protection Act and 35 Ill. Adm. Code 807.201 and 807.202 if they are subject to those rules. Examples of facilities subject to the RCRA rules but not Chapter 7 include sites conducting open burning of explosive waste or land application of sludge.

d) Owners and operators subject to the RCRA rules must obtain a USEPA identification number from USEPA (Section 725.111).

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

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

PART 703
RCRA PERMIT PROGRAM

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Section
703.241 Establishing Permit Conditions
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703.243 Monitoring
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703.245 Release or Discharge Reports
703.246 Reporting Requirements

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at Ill. Reg. _____, effective _____.

SUBPART B: PROHIBITIONS

Section 703.127 ~~Federal-Permits~~ (Repealed)

~~RCRA-permits-issued-by-the-United-States-Environmental
Protection-Agency-constitute-RCRA-permits-within-the-meaning
of-Section-21(f)-of-the-Environmental-Protection-Act-and
Section-703.121.~~

(Source: Repealed at Ill. Reg. , effective
 .)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.153 Qualifying for Interim Status

Any person who owns or operates an "existing HWM facility" shall have interim status and shall be treated as having been issued a permit to the extent he or she has:

- a) Complied with the requirements of Section 3010(a) of the Resource Conservation and Recovery Act pertaining to notification of hazardous waste activity;

(Board Note: Some existing facilities may not be required to file a notification under Section 3010(a) of RCRA. These facilities may qualify for interim status by meeting paragraph (b).)

- b) Complied with the requirements of Sections ~~703.151(a)~~ ~~and (e)~~ 703.150 and 703.152 governing submission of Part A applications;

- c) When the Agency determines on examination or reexamination of a Part A application that it fails to meet the standards of these regulations, it may notify the owner or operator that the application is deficient and that the owner or operator is therefore not entitled to interim status. The owner or operator will then be subject to enforcement for operating without a permit.

(Board Note: See 40 CFR 122.23(a).)

(Source: Amended at __ Ill. Reg. _____, effective _____.)