

## **Board Adopts “Identical-in-Substance” Amendments to Hazardous Waste Rules, including Definition of “Solid Waste”**

On November 1, 2018, the Board adopted amendments to its hazardous waste rules. The amendments are “identical in substance” to two significant sets of rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2018. First, in January 2018, USEPA revised hazardous waste manifest requirements and established a user fee system for the e-Manifest System. For example, the revisions to the manifest system allow a generator and transporter to redirect a consignment of hazardous waste if delivery to the original destination facility is precluded by an emergency. The user fees rule provides that fees for using the e-Manifest System must be paid for by the receiving treatment, storage, or disposal facility.

Second, in May 2018, USEPA revised the Definition of Solid Waste Rule (DSWR) in response to judicial vacatur. For example, USEPA removed the 2015 verified recycler exclusion from the DSWR and replaced it with the 2008 transfer-based exclusion. USEPA also reinstated the 2008 conditions for exporting hazardous secondary material (HSM) for reclamation, which it had removed in 2015. The Board’s amendments also included limited non-substantive revisions and corrections to its rules.

The Board’s rulemaking is captioned [RCRA Subtitle C Update, USEPA Amendments \(January 1, 2018 through June 30, 2018\)](#), docket R19-3. Here is a link to the Board’s [opinion and order](#), which includes the adopted rule text. And, here is a link to the Board’s [addendum](#), which provides tables of information concerning the rulemaking. For more information, please contact Michael McCambridge at 312-814-6924 or [Michael.McCambridge@Illinois.Gov](mailto:Michael.McCambridge@Illinois.Gov).