

ILLINOIS POLLUTION CONTROL BOARD

June 17, 1999

IN THE MATTER OF: )  
)  
RCRA UPDATE, USEPA REGULATIONS ) R99-15  
(July 1, 1998, through December 31, 1998) ) (Identical-in-Substance  
) Rulemaking - Land)

Adopted Rule. Final Order.

OPINION OF THE BOARD (by E.Z. Kezelis):

Under Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (1998)), the Board adopts amendments to the Illinois regulations that are “identical-in-substance” to hazardous waste regulations that the United States Environmental Protection Agency (USEPA) adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C), 42 U.S.C. §§ 6921 *et seq.* (1998). The nominal timeframe of this docket includes federal RCRA Subtitle C amendments that USEPA adopted in the update period of July 1, 1998, through December 31, 1998. However, this docket also considers a specified action taken after December 31, 1998, on which the Board is acting without delay.

Section 22.4(a) provides for quick adoption of regulations that are “identical-in-substance” to federal regulations that USEPA adopts to implement Sections 3001 through 3005 of RCRA, 42 U.S.C. §§ 6921-6925 (1998). Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 & 5-40 (1996)) do not apply to the Board’s adoption of identical-in-substance regulations. The federal RCRA Subtitle C regulations are found at 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279.

This opinion supports the order that the Board also adopts today. The Board will delay filing the adopted amendments with the Office of the Secretary of State for 30 days, in order to allow USEPA an additional opportunity to review them before they become effective.

FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING

The following briefly summarizes the federal actions considered in this rulemaking.

Docket R99-15: July 1, 1998, through December 31, 1998, RCRA Subtitle C  
Amendments

USEPA amended the federal RCRA Subtitle C regulations on 12 occasions during the period July 1, 1998, through December 31, 1998. Each is summarized below, together with a description of the Board action that is required, if any:

63 Fed. Reg. 37780 (July 14, 1998)

USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment. The Board adopted corresponding amendments to the Illinois regulations in its opinion and order of December 17, 1998, in consolidated docket R98-21/R99-2/R99-7. No further Board action is required.

63 Fed. Reg. 42109 (August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste. The Board incorporated all but one segment of the RCRA Subtitle C amendments in its opinion and order of December 17, 1998, in consolidated docket R98-21/R99-2/R99-7; the Board must complete the action with regard to one minor segment of the federal amendments.

63 Fed. Reg. 42580 (August 10, 1998)

USEPA adopted corrections to the May 4, 1998 organobromine production waste rules; the May 26, 1998 Phase IV LDRs; and the June 29, 1998 organobromine waste technical amendments. The Board adopted corresponding amendments to the Illinois regulations in its opinion and order of December 17, 1998, in consolidated docket R98-21/R99-2/R99-7. No further Board action is required.

63 Fed. Reg. 46331 (August 31, 1998)

USEPA adopted technical amendments to the May 4, 1998 organobromine waste rules. The technical amendments affected the RCRA Subtitle C aspects of the May 4, 1998 action. The Board adopted corresponding amendments to the Illinois regulations in its opinion and order of December 17, 1998, in consolidated docket R98-21/R99-2/R99-7. No further Board action is required.

63 Fed. Reg. 47409 (September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents. The Board must take corresponding action to amend the Illinois regulations.

63 Fed. Reg. 48124 (September 9, 1998)

USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes. The Board adopted corresponding amendments to the Illinois regulations in its opinion and order of December 17, 1998, in consolidated docket R98-21/R99-2/R99-7. No further Board action is required.

63 Fed. Reg. 51253 (September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production. The Board must take corresponding action to amend the Illinois regulations.

63 Fed. Reg. 54356 (October 9, 1998)

USEPA extended the compliance deadline of the August 6, 1998 petroleum waste rules to December 8, 1998. The Board does not need to take action on this past effective date.

63 Fed. Reg. 56709 (October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program. The Board must take corresponding action to amend the Illinois regulations.

63 Fed. Reg. 64371 (November 19, 1998)

USEPA issued a final decision not to list 14 waste solvents as hazardous waste. The determination resulted in no amendments to the federal RCRA Subtitle C rules. No further Board action is required.

63 Fed. Reg. 65873 (November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions. The Board must take corresponding action to amend the Illinois regulations.

63 Fed. Reg. 71225 (December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers. The Board must take corresponding action to amend the Illinois regulations.

Later RCRA Subtitle C (Hazardous Waste) Amendments of Interest

The Board engages in ongoing monitoring of federal actions. As of the date of this opinion and order, we have identified two USEPA actions since December 31, 1998, that further amend the RCRA Subtitle C hazardous waste rules. When the Board observes an action outside the nominal timeframe of a docket that would require expedited consideration in the pending docket, the Board will expedite consideration of those amendments. Federal actions that could warrant expedited consideration include those that directly affect the amendments involved in this docket, those for which compelling reasons would warrant consideration as soon as possible, and those for which the Board has received a request for expedited consideration. The following federal actions have occurred since the December 31, 1998 end date of the present update docket R99-15:

64 Fed. Reg. 3382 (January 21, 1999)

USEPA adopted technical amendments and corrections to the December 6, 1994 (59 Fed. Reg. 62896) "Subpart CC" organic material emission rules applicable to hazardous waste tanks, containers, and surface impoundments. The amendments clarify aspects of the rules and restore requirements inadvertently deleted in previous amendments.

64 Fed. Reg. 6806 (February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

64 Fed. Reg. 25408 (May 11, 1999)

USEPA adopted corrective and clarifying amendments to five of its Phase IV LDR actions: those of May 12, 1997; May 26, 1998; August 31, 1998; September 4, 1998; and September 24, 1998. The amendments correct cross-references, restore segments of text inadvertently deleted, and clarify various provisions in the rules.

With respect to the January 21, 1999 federal Subpart CC amendments, the Board can find no reason to give them expedited consideration. The Subpart CC rules are not affected by this docket; no compelling reasons to expedite consideration of these amendments exist; and the Board has received no request to do so. Therefore, the Board will address the January 21, 1999 amendments in the next RCRA Subtitle C update docket, which will cover the period January 1, 1999 through June 30, 1999.

The situation is different for the February 11, 1999 amendments to the exclusions from hazardous waste management. The Board finds that there are compelling reasons to give these amendments expedited consideration in this docket R99-15, rather than waiting until the next update docket. The listings were recently adopted in the prior RCRA Subtitle C consolidated update docket R98-21/R99-2/R99-7. USEPA has adopted the exclusion for the four wastes until February 13, 2001. That means that there will be no exclusion of these wastes in Illinois until the Board acts to adopt the federal deferral of regulation. Until the Board adopts the deferral, the Illinois hazardous waste rules will remain more stringent than their federal counterparts. This would impose an undesirable and disproportionate regulatory burden on entities in Illinois. Further, the February 11, 1999 amendments affect 40 C.F.R. 261.4, whose counterpart in the Illinois regulations is 35 Ill. Adm. Code 721.104. That Section is already involved in this proceeding. For these reasons, the Board granted expedited consideration of the February 11, 1999 federal amendments in this docket R99-15.

Finally, the Board will expedite its consideration of the May 11, 1999 amendments for three reasons. First, many of the May 11, 1999 amendments directly affect amendments included in our April 8, 1999 proposal for public comment. Second, the May 11, 1999 amendments are corrective rather than substantive. Finally, it appears that none of the May 11, 1999 amendments impose any new or additional burdens on regulated entities.

Unrelated Federal Actions Having an Ancillary Impact on the Illinois RCRA  
Subtitle C Regulations

In addition to the amendments to the federal RCRA Subtitle C regulations, other, unrelated federal amendments might have an effect on the corresponding Illinois rules. Most notably, 35 Ill. Adm. Code 720.111 includes several incorporations of federal regulations by reference, and USEPA has amended 40 C.F.R. 136, which is included among the incorporated references. The following are federal amendments to 40 C.F.R. 136, along with a description of the Board action each requires, if any:

63 Fed. Reg. 38756 (July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997. The Illinois hazardous waste rules incorporate 40 C.F.R. 136 by reference at 35 Ill. Adm. Code 720.111. The Board adopted corresponding amendments to the Illinois regulations in its opinion and order of December 17, 1998, in consolidated docket R98-21/R99-2/R99-7. No further Board action is required.

63 Fed. Reg. 44146 (August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997. The Illinois hazardous waste rules incorporate 40 C.F.R. 136 by reference at 35 Ill. Adm. Code 720.111. The Board adopted corresponding amendments to the Illinois regulations in its opinion and order of December 17, 1998, in consolidated docket R98-21/R99-2/R99-7. No further Board action is required.

63 Fed. Reg. 50387 (September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector. This included amendment of 40 C.F.R. 136, which is incorporated by reference in 35 Ill. Adm. Code 720.111(b). The Board must update the reference to reflect these amendments.

Summary Listing of the Federal Actions Forming the Basis of the Board's Actions  
in this Docket

Based on the foregoing, the federal actions that form the basis for Board action in this update docket are the following, in chronological order:

63 Fed. Reg. 42109 (August 6, 1998)	New petroleum waste listings and LDRs. (Completion of action taken in prior consolidated update docket R98-21/R99-2/R99-7.)
63 Fed. Reg. 47409 (September 4, 1998)	Carbamate waste LDRs, changed effective dates, and emergency amendments.
63 Fed. Reg. 50387 (September 21, 1998)	40 C.F.R. 136 amendment.
63 Fed. Reg. 51253 (September 24, 1998)	Primary aluminum production spent potliner LDRs.
63 Fed. Reg. 56709 (October 22, 1998)	Mechanisms other than permits for closure and post-closure care.

63 Fed. Reg. 65873 (November 30, 1998)	Hazardous remediation wastes.
63 Fed. Reg. 71225 (December 24, 1998)	Universal waste rule corrections and clarifications.
64 Fed. Reg. 6806 (February 11, 1999)	Previously-disposed petroleum refining waste exclusion.
64 Fed. Reg. 25408 (May 11, 1999)	Corrective and clarifying amendments to five USEPA Phase IV LDR actions.

### PUBLIC COMMENTS

The Board adopted a proposal for public comment in this matter by order dated April 8, 1999. “Notices of Proposed Amendments” appeared in the April 23, 1999 issue of the *Illinois Register*. The Board accepted public comments on the proposal for a 45-day period following publication in the *Illinois Register*. The comment period expired on June 7, 1999.

The Board received two comments during the public comment period. Those comments are as follows:

- PC 1 May 29, 1999, letter from Willie H. Harris, P.E., Chief, Program Management Branch, USEPA Region V (received June 1, 1999).
- PC 2 June 4, 1999, response from Susan J. Schroeder, Associate Counsel, Division of Legal Counsel, Illinois EPA (received June 7, 1999).

In PC 1, USEPA states that it has no comments on the Board’s April 8, 1999 proposal for public comment in this docket, since the proposed amendments met the requirements for RCRA “Cluster VIII” rules. Thus, no revisions to the text of the proposed rules are warranted based on PC 1.

In PC 2, the Agency submitted comments and suggestions for revisions to the language of the April 8, 1999 proposal for public comment. Many of the Agency’s suggested corrections and revisions are minor and do not warrant discussion. Several are more substantive and require discussion. The substantive discussion prompted by PC 2 appears in the appropriate segment of the detailed discussion that begins below. All of the revisions prompted by the Agency’s comments appear in the table that begins at page 50 of this opinion. Suggested revisions that the Board has not accepted appear in the table at page 68 of this opinion.

In addition to the public comments, the Board also received a series of nine documents from the Joint Committee on Administrative Rules (JCAR) (one for each Part involved in this proceeding) entitled “Identical First Notice Line Numbered Version.” Each of these documents contain those changes that JCAR made prior to the April 23, 1999 publication of these amendments in the *Illinois Register*. The changes accepted by the Board are listed in the table entitled, “Revisions to the Text of the Proposed Amendments in Final Adoption,” that begins at page 50 of this opinion. The changes not accepted by the Board, together with a brief explanation, appear in the table entitled, “Requested Revisions to the Text of the Proposed Amendments Not Made in Final Adoption,” beginning at page 68.

The Board adopts these amendments, having first made the changes necessitated by public comment. The Board will delay filing these adopted rules with the Secretary of State for 30 days after the date of this opinion and order, or until after July 17, 1999, in order to allow additional time for USEPA to review the adopted amendments before they are filed and become effective. The complete text of the adopted amendments appears in a separate order adopted this day.

## DISCUSSION

The following discussion begins with a description of the types of deviations the Board makes from the literal text of federal regulations in adopting identical-in-substance rules. It is followed by a discussion of the amendments and actions undertaken in direct response to the federal actions involved in this proceeding. This first series of discussions is organized by federal subject matter, generally appearing in chronological order of the significant *Federal Register* notices involved. Finally, this discussion closes with a description of the amendments and actions that are not directly derived from the federal actions.

### General Revisions and Deviations from the Federal Text

In incorporating the federal rules into the Illinois system, some minimal deviation from the federal text is unavoidable. This deviation arises primarily through differences between the federal and state regulatory structure and systems. Some deviation also arises through errors in and problems with the federal text itself. The Board conforms the federal text to the Illinois rules and regulatory scheme and corrects errors that we see in the text as we engage in these routine update rulemakings.

In addition to the amendments derived from federal amendments, the Board often finds it necessary to alter the text of various passages of the existing rules as provisions are opened for update in response to USEPA actions. This involves correcting deficiencies, clarifying provisions, and making other changes that are necessary to establish a clear set of rules that closely parallel the corresponding federal requirements within the codification scheme of the *Illinois Administrative Code*.

The Board updates the citations to the *Code of Federal Regulations* to the most recent version available. As of the date of this opinion, the most recent version of the *Code of Federal Regulations* available to the Board is the July 1, 1998 version. Thus, we have updated all citations to the 1998 version, adding references to later amendments using their appropriate *Federal Register* citation, where necessary.

The Board substituted “or” for “/” in most instances where this appeared in the federal base text, using “and” where more appropriate. The Board further used this opportunity to make a number of corrections to punctuation, grammar, spelling, and cross-reference format throughout the opened text. We changed “who” to “that” and “he” or “she” to “it,” where the person to which the regulation referred was not necessarily a natural person, or to “he or she,” where a natural person was evident; changed “which” to “that” for restrictive relative clauses; substituted

“shall” for “will;” capitalized the section headings and corrected their format where necessary; and corrected punctuation within sentences.

In addition, the federal rules have been edited to establish a uniform usage throughout the Board’s regulations. For example, with respect to “shall,” “will,” and “may” - “shall” is used when the subject of a sentence has a duty to do something. “Must” is used when someone has to do something, but that someone is not the subject of the sentence. “Will” is used when the Board obliges itself to do something. “May” is used when choice of a provision is optional. “Or” is used rather than “and/or,” and denotes “one or both.” “Either . . . or” denotes “one but not both.” “And” denotes “both.”

JCAR has requested that the Board refer to the United States Environmental Protection Agency in the same manner throughout all of our bodies of regulations, *i.e.*, air, water, drinking water, RCRA Subtitle D (municipal solid waste landfill), RCRA Subtitle C (hazardous waste), underground injection control (UIC), etc. The Board has decided to refer to the United States Environmental Protection Agency as “USEPA.” We will continue this conversion in future rulemakings as additional sections otherwise become open to amendment. We will further convert “EPA” used in federal text to “USEPA,” where USEPA is clearly intended.

The Board has assembled tables to aid location of those alterations and to briefly outline their intended purpose. The tables set forth the miscellaneous deviations from the federal text and corrections to the pre-amended base text of the rules in detail. The tables are set forth and explained toward the end of this opinion, beginning at page 20. There is no further discussion of most of the deviations and revisions elsewhere in this opinion.

Some alterations, on the other hand, are more significant, and substantive discussion is warranted for those. Those more significant discussions are set forth in the following topical discussions.

#### Discussion of Particular Federal Actions

##### Petroleum Waste Hazardous Waste Listings—Section 726.200

USEPA added four new hazardous waste listings for wastes generated in petroleum refining on August 6, 1998 (63 Fed. Reg. 42109). (USEPA subsequently corrected the effective date of those listings on October 9, 1998 (63 Fed. Reg. 54356). The Board included nearly all of those amendments in the prior consolidated hazardous waste update docket, R98-21/R99-2/R99-7, adopted on December 17, 1998. The Board could not complete the amendments, however, since Part 726 was not open in that docket. We now complete the incorporation of the August 6, 1998 federal amendments by including an amendment to 35 Ill. Adm. Code 726.200(b)(3) (corresponding with 40 C.F.R. 266.100(b)(3)). We have done so without deviation from the text of the federal amendments.

The Board requested public comment on the incorporation of the August 6, 1998 federal action by amendment of Section 726.200. We received no comments in response other than a



series of suggested minor changes submitted by JCAR, which we read as general concurrence with the amendments as proposed. The list of suggestions and the Board's response to each are included in the tables that begin at page 50 of this opinion.

Emergency Amendments to the Carbamate Waste LDRs—Sections 728.140, 728.Table T, and 728.Table U

On September 4, 1998 (63 Fed. Reg. 47409), USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents. USEPA adopted the carbamate waste rules on April 8, 1996 (61 Fed. Reg. 15583). The waste treatment industry later confronted USEPA with the fact that no analytical methods exist to test for the presence of a number of the carbamate wastes, making it impossible to test and demonstrate compliance with the corresponding waste treatment standards. In response, USEPA amended its rules to indefinitely extend the alternative treatment standards for seven carbamate waste constituents and deleted the treatment standard for another waste constituent. The amendments further deleted the eight waste constituents from the listing of underlying hazardous constituents. Finally, the amendments clarify that numerical standards again apply to another 32 carbamate waste constituents after the August 26, 1998 expiration of the temporary alternative standards for the 40 carbamate waste constituents. On May 11, 1999 (64 Fed. Reg. 25408), USEPA adopted corrective and clarifying amendments to five of its Phase IV LDR rulemaking actions, including the action of September 4, 1998. These affected the amendments to 40 C.F.R. 268.40 and 268.48 (which correspond with 35 Ill. Adm. Code 728.140, and Tables T and U to Part 728) included in the September 4, 1998 action. Persons interested in further consideration of the substance of the federal actions should refer to the *Federal Register* notices cited above.

The Board incorporated the September 4, 1998 federal carbamate waste amendments without significant deviation from the federal text. The tables beginning at page 20 indicate the revisions made in the verbatim wording of the federal amendments. USEPA added 40 C.F.R. 268.40(i) at 63 Fed. Reg. 46331 (Aug. 31, 1998) to stay the Phase IV LDRs, as they apply to zinc-containing fertilizers, while it develops a more comprehensive set of regulations. In the September 4, 1998 amendments, USEPA added another subsection (i). In the May 11, 1999 action, USEPA changed the first subsection (i) to subsection (j). The Board incorporates this USEPA correction. The deviations from the text of the federal amendments appear in the table that begins at page 20 of this opinion.

The Board requested public comment on our treatment of the carbamate waste amendments. We requested specific attention to the issues outlined in the foregoing discussion. We received no comments in response other than a series of suggested minor changes submitted by JCAR and the Agency, which we read as general concurrence with the amendments as proposed. The list of suggestions and the Board's response to each are included in the tables that begin at page 50 of this opinion.

LDR for Spent Potliners from Primary Aluminum Reduction—Sections 728.139 and 728.Table T

USEPA adopted an LDR treatment standard for spent potliners from primary aluminum production (USEPA hazardous waste number K088) on September 24, 1998 (63 Fed. Reg. 51253). USEPA originally imposed an LDR on the spent potliners on April 8, 1996 (61 Fed. Reg. 15566), simultaneously establishing a national capacity variance that allowed the continued temporary land disposal of the waste. Litigation subsequently resulted in a court overturning the LDR, in Columbia Falls Aluminum Co. v. EPA, 139 F.3d 914 (D.C. Cir. 1998). In response, USEPA adopted the interim replacement treatment standard on September 24, 1998, which will remain in effect until USEPA can complete its review and establish a permanent standard. On May 11, 1999 (64 Fed. Reg. 25408), USEPA adopted corrective and clarifying amendments to five of its Phase IV LDR rulemaking actions, including the action of September 24, 1998. These affected the amendments to 40 C.F.R. 268.40 (which correspond to Table T of Part 728) included in the September 24, 1998 action. Persons interested in the details of the September 24, 1998 federal action should refer to the cited *Federal Register* notices.

The Board has incorporated the amendments to Table T of Part 728 prompted by the amendments to the corresponding 40 C.F.R. 268.40 table. The tables beginning at page 20 indicate the revisions made in the verbatim wording of the federal amendments. The only deviation from the text of the September 24, 1998 federal amendments was that no amendment was necessary to Section 728.139(c). USEPA amended 40 C.F.R. 268.39(c) to reinstate the provision with a changed effective date of July 8, 1997 to September 24, 1998. There is no effective date codified into Section 728.139(c), and September 24, 1998 is a past effective date. Therefore, no Board action is necessary to incorporate the federal amendments to this Section.

The table beginning at page 20 indicates the revisions made in the base text of the regulations and to the verbatim wording of the federal amendments. The Board requested public comment on the spent aluminum potliner amendments. We received no comments in response other than a series of suggested minor changes submitted by JCAR, which we read as general concurrence with the amendments as proposed. The list of suggestions and the Board's response to each are included in the tables that begin at page 50 of this opinion.

Alternative Methods for Facility Closure and Post-Closure Care—Sections 703.121, 703.161, 703.182, 703.214, 724.190, 724.210, 724.212, 724.218, 724.240, 725.190, 725.210, 725.212, 725.218, 725.221, and 725.240

On October 22, 1998 (63 Fed. Reg. 56709), USEPA adopted a series of amendments that allow greater regulatory flexibility. The amendments allow USEPA and the states to authorize closure and post-closure care measures for hazardous waste treatment, storage, and disposal facilities by means other than a RCRA permit. USEPA and the states may use statutory and regulatory “enforceable authorities” not related to RCRA to allow certain measures at affected sites. This would, in part, reduce the potential for conflict between the RCRA closure requirements and an alternative corrective action program. The amendments include requirements for information submissions for RCRA Part B post-closure care permits. Examples of alternative federal authorities given by USEPA are RCRA section 3008(h), 42 U.S.C. 6928(h) (1998),

corrective action orders and cleanup orders under section 106 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9606 (1998), as well as comparable state authorities. 40 C.F.R. 270.1(c), (c)(7); see 63 Fed. Reg. at 56715. The Board refers the interested reader to the *Federal Register* notices cited above for more information on the federal rule.

The State will now be able to use alternative mechanisms to allow closure and post-closure care requirements that are more suitably tailored than the generally-applicable hazardous waste rules. The major limitations on the use of the alternative mechanisms is that they be embodied in an “enforceable document,” and that certain RCRA standards continue to be fulfilled. See new Section 725.221.

In its comments, the Agency suggested that the Board’s reference to the “Brownfield” or Site Remediation Program rules and to the “tiered approach to corrective action” rules in conjunction with the alternative mechanisms allowed under these amendments was misleading. Accordingly, the Board has removed these references from the amendments.

The Board incorporated the federal amendments (to 40 C.F.R. 264.90, 264.110, 264.112, 264.118, 264.140, 265.90, 265.110, 265.112, 265.118, 265.121, 265.140, 270.1(c), 270.1(c)(7), 270.14(a), and 270.28) into the corresponding Illinois provisions (35 Ill. Adm. Code 724.190, 724.210, 724.212, 724.218, 724.240, 725.190, 725.210, 725.212, 725.218, 725.221, 725.240, 703.121, 703.161, 703.182, and 703.214, respectively) with a minor amount of deviation from the federal text. The tables beginning at page 20 indicate the revisions made in the verbatim wording of the federal amendments. In the following paragraphs, the Board notes some of the deviations from the federal text.

Differences between the federal and Illinois regulatory systems have prompted the Board to make several additional categories of alterations to the federal language of the amendments. The first is a series of conforming substitutions in basic nomenclature. USEPA defines the “alternative requirements” as being embodied in an “enforceable document,” which is some legally binding document other than a RCRA permit. 40 C.F.R. 270.1(c) & (c)(7). The Board can foresee several methods by which an “enforceable document” might arise. Under Illinois law, a facility must operate within the terms of a permit granted by the Agency. 415 ILCS 5/21(f) (1998). However, where that permit would involve a deviation from Board regulations, an “enforceable document” could be an order of the Board. In place of the federal “enforceable document” language, the Board has substituted references to “an enforceable document containing alternative requirements.”

Although the Board originally standardized the use of three different terms in the federal rules, the Agency’s comments in PC 2 have caused us to revise our position. USEPA uses three separate references in its rules: “enforceable document,” “alternative requirements” (see, *e.g.*, 40 C.F.R. 264.110(c) and (c)(2), 264.112(c)(2)(iv), 264.118(d)(2)(iv), 264.140(d) and (d)(2)), and “alternative authorities” (see, *e.g.*, 40 C.F.R. 270.28). Treating these three terms as synonymous, the Board used “alternative requirements” in the proposal for public comment when referring to each of them. Upon evaluation of the Agency’s comments, the Board has retained the usage “alternative requirements” where the federal provision uses this term, and the focus is clearly on

the requirements themselves. We have reverted to “enforceable document containing alternative requirements” where the document itself is used and clearly intended, and similarly, to “alternative authorities” where that term is used and clearly intended.

The second major change in the text of the April 8, 1999 proposal is in the use of dual references to both the Board and the Agency. We noted that the alternative requirements could arise from the Board or from the Agency, depending on the nature of those requirements and the means by which an owner or operator seeks them. An owner or operator could obtain a Board order granting facility-specific relief from the generally-applicable hazardous waste regulations. This could be by means of a site-specific rule (under Sections 22.4(b) and 27 of the Act), an adjusted standard (under Section 28.1 of the Act), or a variance (under Section 35 of the Act).

As indicated in its comments, the Agency does not agree with the Board’s conclusion that a site-specific rule, an adjusted standard, or a variance, could ever give rise to an enforceable document containing alternative requirements. We do not agree with this Agency comment. In issuing a site-specific rule, an adjusted standard, or a variance, the Board is authorized to impose such conditions as may be necessary to accomplish the purposes of the Act. Therefore, the Board may craft a site-specific rule, an adjusted standard, or a variance that would fulfill the requirements of an enforceable document containing alternative requirements so as to satisfy the terms of these amendments.

The Agency’s comments in PC 2 also suggested that the Board had too narrow a focus as to the scope of what could constitute an “enforceable document” and urged inclusion of references to orders issued by courts of competent jurisdiction. The Board has added such a reference to Section 703.161, which defines an “enforceable document.” While this reference is included in Section 703.161, the Board has not added such references in other substantive provisions. For example, Sections 724.190(f), 724.210(c), 724.218(d)(2)(D), 724.240(d), 725.190(f), 725.210(d), 725.218(d)(2)(D), and 725.240(d) contain limitations on the authority to issue “enforceable documents.” Since courts do not derive authority from Board regulations, the inclusion of such references to “courts of competent jurisdiction” in these sections would be inappropriate.

In addition to adding the reference to a court of competent jurisdiction, the Board has added other examples to the definition of “enforceable document” at Section 703.161 in response to the Agency’s comments. USEPA used the examples of a corrective action order issued under Section 3008(h) of RCRA, 42 U.S.C. 6928(h), or an imminent endangerment order issued under Section 106 of the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9606. Since both are orders that could apply to a facility regulated under the Illinois RCRA Subtitle C program, the Board has included references to them in Section 703.161.

By including examples of various types of orders in Section 703.161, the Board does not intend to exclude other types of orders, not specifically mentioned, that could be considered an “enforceable document.” The terms “enforceable document” and “alternative requirements” should have as broad a meaning as USEPA would allow. To this end, we have retained the references to the three types of relief available from the Board, a site-specific rule, an adjusted standard, or a variance, at Section 725.221(b)(1)(A), and we have added a reference at Section

725.221(b)(1)(A)(iv) to a Board order issued pursuant to Section 33(a) of the Act (415 ILCS 5/33(a) (1998)). The Board has also retained its use of the phrase “Agency approved plan” at Section 703.161, so that the Agency may exercise any such authority that it might have.

Another significant deviation in language is the Board’s addition of cross-references to a central defining provision to further ensure consistent reading of the rules. See 35 Ill. Adm. Code 703.161. It appears that USEPA intended 40 C.F.R. 270.1(c)(7) as a central defining provision. It authorizes the use of an enforceable document that would contain alternative requirements and broadly defines the term “enforceable document.” Some substantive segments of the rules authorizing the use of alternative requirements refer back to this section. To ensure consistency, the Board has added a cross-reference to 35 Ill. Adm. Code 703.161 to those segments of the rules authorizing the use of alternative requirements, that did not originally contain such a reference. Thus, Sections 724.190(f), 724.210(c), 724.212(b)(8) and (c)(2)(D), 724.218(b)(4), 724.240(d), 725.190(f), 725.210(d), 725.212(b)(8), 725.218(c)(5), and 724.240(d), now refer to “alternative requirements, as provided in 35 Ill. Adm. Code 703.161.”

In the April 8, 1999 proposal for public comment, the Board made one more significant change in language for the purpose of adding clarity to the rules with no intent of changing the scope of meaning intended by USEPA. USEPA requires any alternative requirements “protect human health.” For example, under 40 C.F.R. 264.90(f) and 725.90(f), alternative groundwater monitoring requirements must “protect human health.” To avoid either too liberal or too strict a reading, the Board added the word “adequately” to the phrase. As a result, corresponding Sections 724.190(f) and 725.190(f) would have provided that the alternative requirements must “adequately protect human health and the environment.” While we do not believe that USEPA intended to require near-absolute protection of human health, neither do we believe that it intended to provide only minimal protection. By adding the word “adequately,” we had hoped to avoid extreme readings of these passages. Nevertheless, in response to the Agency’s comments, the Board has removed the word “adequately.” As a result, the text reads the same as the federal action on which it was based.

A final significant alteration in language is that the Board has consistently changed references to “post-closure permits” to read “post-closure care permits.” The reason for this is that the permits pertain to post-closure care of the facility. The post-closure care period begins when facility closure is complete, and such care is the sole activity at a closed facility. Parallel references to both “post-closure” and “post-closure care” refer to the same thing, so the Board conformed each appearance throughout the text by rendering it “post-closure care.”

Before concluding our discussion of the federal October 22, 1998 federal action, the Board will address a final thought offered by the Agency. The Agency suggests that the Board not adopt amendments based on the federal actions because “there may be a lack of alternative mechanisms [under Illinois law] that meet the [federal] criteria for enforceable documents for utilizing alternative requirements . . .” (PC 2, Attachment D.) The Agency also suggests that “Illinois will not be able to take advantage of any of these particular provisions until the Illinois EPA first receives authorization to issue expansive cleanup orders requiring facility-wide corrective action.” PC 2, Attachment A, ¶1. The Board believes that mechanisms are currently in place by which the State may utilize an

enforceable document containing alternative requirements. The Board disagrees with the Agency comment and will proceed to adopt these rules.

The Board requested public comment on the amendments relating to alternative closure and post-closure care requirements. We requested specific attention to the issues outlined in the foregoing discussion. The Board received a number of suggestions for minor modifications from JCAR in response. Further, as noted in the discussion above, the Agency submitted a number of suggestions for substantive revisions. All of the suggested JCAR and Agency revisions are outlined in the tables that begin at pages 50 and 68 of this opinion.

Hazardous Remediation Waste Management Rules—Sections 702.110, 702.126, 703.157, 703.234, 703.300-703.306, 703.Appendix A, 720.110, 721.104, 724.101, 724.173, 724.201, 724.652-724.654, 725.101, 728.102, and 728.150

USEPA adopted a set of amendments to further its regulatory reform initiative on November 30, 1998 (63 Fed Reg. 65874). The amendments related to the management of hazardous remediation waste (HWIR-media rules) and made five changes in the hazardous waste rules. First, the amendments were intended to make permits easier to obtain for managing remediation waste. The facility owner or operator may seek approval of a limited “remedial action plan” (RAP) for its activities. Second, under the amendments, an owner or operator who obtains approval of a RAP, will not be subject to the requirements of a facility-wide RCRA permit. Third, they create a unit called a “staging pile” that allows greater flexibility in managing the remediation waste. Fourth, under the amendments, the management of dredged materials under a Clean Water Act permit (or the Marine Protection, Research, and Sanctuaries Act, which does not apply in Illinois) is excluded from RCRA Subtitle C regulation. Finally, the amendments expedite the procedure for federal approval of amended state RCRA Subtitle C programs. The Board directs the reader’s attention to the November 30, 1998 *Federal Register* notice for further details on USEPA’s HWIR-media rules.

The Board has incorporated the substance of the federal HWIR-media amendments into the Illinois regulations with a minimum of deviation from the federal text. The tables beginning at page 20 indicate the revisions made in the verbatim wording of the federal amendments. The federal rules presented six significant problems, however, that forced the Board to deviate in several ways.

First, the federal rules are drafted in a “user-friendly” format that is more colloquial than the language usually employed by the Board. For example, the federal rules are presented in a question-and-answer format. They rely heavily on the use of personal pronouns, most significantly “you,” “your,” “I,” and “my.” Further, new 40 C.F.R. 270, Subpart H codified as 35 Ill. Adm. Code 703.Subpart H, includes subheadings that appear topically important to the organization of the rules, but which are not allowed under the Illinois Administrative Code codification requirements. See 1 Ill. Adm. Code 5/100.310. The Board converted each of the personal pronouns into “the owner or operator” or the impersonal pronouns “it” or “its.” The Board used the topical subheadings under 40 C.F.R. 270, Subpart H as Section headings, making each short federal section a subsection in the Illinois rules. This allowed the Board to avoid many

potential problems with a question-and-answer format because the questions have become subsection headings.

Second, a few of the time limits set forth in the federal text conflict with limits that already exist in the Illinois regulatory scheme. For example 40 C.F.R. 270.215(c) and (d) (codified as 35 Ill. Adm. Code 703.305(b)(3) and (b)(4)) provide that a RAP is effective 30 days after the Agency's notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act. This includes substituting 35 days for 30 days in Section 703.303(g) for the time when a RAP becomes effective. Further, 40 C.F.R. 270.215(d) provides three days for completion of service by mail. Had the Board used four days in corresponding Section 703.305(b)(4) to be consistent with procedural rule 35 Ill. Adm. Code 101.144(c), the resulting 39 days would have exceeded the 35 days allowed under Section 40(a)(1) of the Act (415 ILCS 5/40(a)(1) (1998)). Finally, 40 C.F.R. 270.190(c)(2) and (c)(3) allow 60 days for review of RAP decisions. This is too short a time for the Board to publish the appropriate notices, conduct public hearings, and conduct its review. Rather, in corresponding 35 Ill. Adm. Code 703.304(d)(3)(B) and (d)(3)(C), the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act.

Third, 40 C.F.R. 270.90 includes an explanation that 40 C.F.R. 270.4 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, under which compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than a failure to operate in accordance with the terms of a permit. The Board omitted this language from the text and added an explanatory Board Note.

Fourth, 40 C.F.R. 270.190(b) through (d) provide a procedure for informal appeal of a RAP determination. The Board has not retained the word "informal" in the description of the procedure in corresponding 35 Ill. Adm. Code 703.304(e)(2) through (e)(4), since there is no such procedure for an informal appeal under the Act. Under Section 39 of the Act, the Agency makes its decisions on permit applications. The Board formally hears appeals of those decisions pursuant to Section 40 of the Act. For the purposes of public comment, the Board has rendered Section 703.304(e)(2) through (e)(4) to use the formal procedure provided under the Act. It may be possible to use this provision to provide for Agency reconsideration of its RAP determinations. If the Board adopts the option of a formal appeal in the final version of this rule, the appeal referred to in Section 703.304(e)(4) would be an appeal to the Board pursuant to Section 40 of the Act. If this is redrafted to provide for Agency reconsideration of its RAP determinations, the Board would restore the 60-day timeframe provided in the federal rule for the Agency to render its decision. On the other hand, if the Board renders this provision as providing for appeal to the Board, we would remove the word "informal" and retain the 120-day timeframe for decision that we have already borrowed from Section 40 of the Act.

Fifth, under the federal rules, USEPA has provided for the approval, denial, or partial denial of a RAP. See 40 C.F.R. 270.130(b). Under Section 39 of the Act, the Agency has the power to grant or deny a permit, as well as the power to grant a permit with conditions. (415

ILCS 5/39 (1998)). The Board has also accordingly added a provision for approving a RAP with conditions. See 35 Ill. Adm. Code 703.303(a)(2).

Sixth, the federal rules, in 40 C.F.R. 270.115, set forth the federal procedure for an owner or operator to seek protection of confidential business information when applying for an RAP. The process is different from that already provided for in Illinois under 35 Ill. Adm. Code 120. Thus, in corresponding 35 Ill. Adm. Code 703.302(e), the Board has maintained the Illinois procedure. Under the Illinois procedure, it is a “trade secret,” rather than “confidential business information,” that is protected from disclosure. Thus, in addition to changing the regulatory cross-reference to cite Illinois regulations, the Board revised the explanation of the document marking requirements to refer to marking “trade secret” in red ink. What is and is not protected from disclosure under Illinois law is immaterial from the federal perspective, so long as information for which federal law mandates public disclosure is not protected from disclosure under Illinois law. See 40 C.F.R. 2.301-2.311.

Other minor deviations from the federal text are a shift in usage. In 40 C.F.R. 270.80(f), USEPA refers to a cleanup compelled by “Federal or State cleanup authorities.” The Board chose the words “authorities issued by USEPA or the State of Illinois” to clarify this term. In another clarifying deviation, the Board has consistently used “RCRA permit” where USEPA refers to “permit” in the text. The Board prefers this more consistent usage to reduce the potential for confusion.

As with the October 22, 1998 amendments pertaining to alternative closure and post-closure care requirements, the November 30, 1998 HWIR-media rules include a number of references to “protect human health and the environment.” In the April 8, 1999 proposal for public comment, the Board added the modifier “adequately” to this phrase. For the same reasons as with the closure and post-closure care rules, we now delete the term “adequately” from this reference.

Finally, the Board incorporated one federal definition by reference, rather than follow our typical practice of restating such material in our rules. In the 40 C.F.R. 261.4(g) exclusion of dredged material from the definition of “hazardous waste,” USEPA incorporates the definition of “dredged material” from its Clean Water Act regulations at 40 C.F.R. 232.2. In corresponding 35 Ill. Adm. Code 721.104(g), the Board has retained the citation to 40 C.F.R. 232.2 for definition of the term. The Board will, of course, continue to follow its practice of annually updating all federal regulations incorporated by reference, including this one. The exclusion of dredged materials applies only to those materials defined under 40 C.F.R. 232.2 and regulated under the body of regulations in which that definition appears.

The Board requested public comment on the HWIR-media amendments. We requested specific attention to the issues outlined in the foregoing discussion. We received no comments in response other than a series of suggested minor changes submitted by JCAR and the Agency, which we read as general concurrence with the amendments as proposed. The list of suggestions and the Board’s response to each are included in the tables that begin at page 50 of this opinion.



### Universal Waste Rule Corrections—Sections 726.180 and 733.106

USEPA adopted a set of corrections to its universal waste rule on December 24, 1998 (63 Fed. Reg. 71225). Three corrections relate to reclaimed spent lead-acid batteries. Another corrects the definition of “small quantity universal waste handler.” Finally, a correction clarifies the applicability of the export requirements to destination universal waste handlers. The Board defers to the December 24, 1998 *Federal Register* notice for a detailed discussion of the federal action.

The Board incorporated the federal amendments with minor deviation from the federal text. The tables beginning at page 20 indicate the revisions made in the verbatim wording of the federal amendments. The Board encountered two minor challenges in incorporating the federal requirements into the Illinois Regulations. First, as in the November 30, 1998 HWIR-media rule, USEPA used a more colloquial format for a segment of the amended rule. In such situations, the Board changed “you aren’t” to read “the owner or operator is not.”

Second, although we generally codify tables separately at the end of the Part, the Board incorporated the table from 40 C.F.R. 266.80(a) into corresponding 35 Ill. Adm. Code 266.180(a). We believe that the table successfully presents the requirements and outlines their applicability very clearly and succinctly. Rendering them in a standard format would not improve them. We further believe that this is the best location for them since it is Section 726.180 that outlines applicability.

The Board requested public comment on the universal waste rule corrections. We requested specific attention to the issues outlined in the foregoing discussion. We received no comments in response other than a series of suggested minor changes submitted by JCAR and the Agency, which we read as general concurrence with the amendments as proposed. The list of suggestions and the Board’s response to each are included in the tables that begin at page 50 of this opinion.

### Petroleum Waste-Derived Landfill Wastes—Section 721.104

USEPA adopted a temporary deferral of regulation as hazardous waste for certain petroleum refining-derived wastes on February 11, 1999 (64 Fed. Reg. 6806). USEPA amended its definition of hazardous waste to exempt, until February 13, 2001, certain leachate or gas condensate collected from landfills where solid wastes have been disposed from petroleum refining (now listed as USEPA hazardous waste numbers K169 through K172). See the February 11, 1999 *Federal Register* notice for explanation of the federal action.

As is explained above at page 4 of this opinion, the Board is granting expedited consideration of the February 11, 1999 federal amendments in this docket, rather than waiting until the next update docket. The February 11, 1999 amendments relate to hazardous waste listings that were recently adopted in the prior RCRA Subtitle C update docket R98-21/R99-2/R99-7, and for which there will be no exclusion in Illinois until the Board acts to adopt the federal deferral of regulation. Until the Board adopts the deferral, these wastes will remain subject to hazardous waste regulation under the Illinois hazardous waste rules. This will impose

an undesirable and disproportionate regulatory burden on entities in Illinois. Additionally, since Section 721.104 is already involved in this proceeding, it is appropriate for the Board to address the deferral at this time.

The Board incorporated the federal amendments into the corresponding Illinois rules with only minor deviations from the federal text. The tables beginning at page 20 indicate the revisions made in the verbatim wording of the federal amendments.

The Board requested public comment on the petroleum waste-derived landfill waste exclusion amendments. We received no comments in response other than a series of suggested minor changes submitted by JCAR, which we read as general concurrence with the amendments as proposed. The list of suggestions and the Board's response to each are included in the tables that begin at page 50 of this opinion.

Phase IV LDR Corrections and Clarifications—Sections 721.102, 721.104, 728.102, 728.107, 728.109, 728.140, 728.Table I, 728.Table T, and 728.Table U

On May 11, 1999 (64 Fed. Reg. 25408), USEPA adopted corrective and clarifying amendments to five of its Phase IV LDR rulemaking actions, including those of May 12, 1997 (62 Fed. Reg. 25998); May 26, 1998 (63 Fed. Reg. 28556); August 31, 1998 (63 Fed. Reg. 46332); September 4, 1998 (63 Fed. Reg. 47409); and September 24, 1998 (63 Fed. Reg. 51254). The federal amendments of September 4, 1998 and September 24, 1998, are considered elsewhere in this opinion (see pages 9 and 10 above). The Board adopted the May 12, 1997 amendments on August 20, 1998, in consolidated docket R97-21/R98-3/R98-5. We included the May 26, 1998 and August 31, 1998 amendments in consolidated docket R98-21/R99-2/R99-7, which we adopted on December 17, 1998. Included were corrections to 40 C.F.R. 261.2, 261.4, 262.32, 268.2, 268.7, 268.9, 268.40, 268.48, and 268.49 (corresponding with 35 Ill. Adm. Code 721.102, 721.104, 722.132, 728.102, 728.107 and 728.Table I, 728.109, 728.140 and 728.Table T, and 728.Table U, respectively). Persons interested in the details of the federal amendments should consult the May 11, 1999 *Federal Register* notice.

Amendments corresponding to the federal May 11, 1999 corrective and clarifying amendments did not appear in the Board's April 8, 1999 proposal for public comment because USEPA had not adopted the amendments by the time the Board adopted the proposal. The Board has decided to include the federal amendments in this final adoption because they involve the same Parts and subject matter as some of the proposed amendments (the Phase IV LDRs), some of the May 11, 1999 amendments reverse some of the amendments included in the proposal (to Table T and Table U to Part 728), and none of the May 11, 1999 amendments impose an additional substantive burden on regulated entities in Illinois. In order to include these amendments, the Board has opened Sections 721.102, 728.107, 728.109, 728.149, and 728.Table I, which were not involved in the April 8, 1999 proposal for public comment.

The Board cannot, however, include amendments to a Part of the rules not included in the April 8, 1999 proposal for public comment. For example, the federal amendment to 40 C.F.R. 262.34, which changed a cross reference to "40 C.F.R. 268.7(a)(4)" to "40 C.F.R. 268.7(a)(5),"

could not be included in this action because the necessary part of the Illinois rules, Part 722, was not included in the April 8, 1999, proposal. We will include that portion of the May 11, 1999 federal action in the next RCRA Subtitle C update docket.

Discussion of Miscellaneous Other Amendments not Federally Driven

The tables beginning below contain numerous corrections and changes that are not based on current federal amendments. The first table (beginning immediately below) includes deviations made in the April 8, 1999 proposal for public comment from the verbatim text of the federal amendments. The second table (beginning below on page 41 of this opinion) contains corrections and clarifications that the Board made in the base text involved in the proposal. The changes contained in this second table are not directly derived from the current federal amendments. Some of the entries in these tables are discussed further in appropriate segments of the general discussion which begins at page 7 of this opinion.

The third table (beginning below on page 50 of this opinion) contains changes made, based on public comments received, to the text of the April 8, 1999 proposal for public comment. The third table indicates the affected provision of the rules, the source of the revision, and the nature of the revision. The fourth table (beginning below on page 68 of this opinion) contains those suggested changes that the Board has not made to the text. The fourth table indicates the affected provision, the source and nature of the suggestion for change, and the reasons the Board chose not to make the change.

TABLE 1

Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
702.110 “remedial action plan”	270.2 “remedial action plan”	Placed defined term in quotes; added “or;” used quotes in place of parentheses for abbreviation “RAP;” added “pursuant to 35 Ill. Adm. Code 703.Subpart H;” added comma before “instead” to offset parenthetical; added “RCRA;” added comma before conjunction to offset the final element of a series
702.126(d)(2)	270.11(d)(2)	Added “alternative owner certification;” changed personal pronoun “who” to “that”
703.121(b)	270.1(c)	Substituted “enforceable documents containing alternative requirements” for “enforceable documents”

703.161(a)	270.1(c)(7)	Subdivided the Section, designating the proposed text as subsection (a); deleted “at the discretion of the [Agency];” removed parenthetical “in lieu of a post-closure permit;” substituted “an enforceable document containing alternative requirements” for “enforceable document” (twice); added “that” before for “comply with;” used “an order of the Board or Agency-approved plan . . .” in place of “an order, a plan, or other document . . .”
703.161(b)	271.16(e)	Added a subsection based on 40 C.F.R. 271.16(e); thoroughly reworded the federal provision: crafted a general requirement that alternative requirements be embodied in a document enforceable under the Act from a requirement that the State have certain authorities with regard to enforcement of enforceable documents
703.182 preamble	270.14(a)	Changed “post-closure permit” to “post-closure care permit”
703.214	270.28	Shortened Section heading; changed “post-closure permit” to “post-closure care permit” (twice); added comma before conjunction to offset the final element of a series; changed “an alternative authority is used in lieu of a post-closure permit” to “it seeks alternative requirements embodied in an enforceable document;” added comma before “as provided” to offset parenthetical
703.300	270.79	Changed Section heading to a declarative statement; changed “this subpart is written” to “USEPA wrote the federal counterpart to this Subpart, 40 CFR 270, Subpart H;” added sentence about Board adaptation of Subpart H; added “all;” added “Subpart”
703.301 Section heading	Subpart subheading	Used subpart subheading as the Section heading
703.301(a)	270.80	Rendered entire federal section as subsection, renumbering subsections accordingly
703.301(a)(1)	270.80(a)	Changed “you, as an owner or operator, may” to “an owner or operator may;” changed “you” to “the owner or operator”
703.301(a)(3)	270.80(c)	Added cross-reference to definitions section
703.301(a)(4)	270.80(d)	Added “either of the following”

703.301(a)(4)(B)	270.80(d)(2)	Added indefinite article “a;” used “or” in place of “and/or”
703.301(a)(5)	270.80(e)	Changed “you are” to “an owner or operator is;” changed “Federal or State cleanup authorities” to “authorities issued by USEPA or the State of Illinois;” changed “your RAP” to “a RAP;” changed “your obligations” to “the obligations”
703.301(a)(6)	270.80(f)	Changed “you receive” to “an owner or operator receives;” changed “your interim status” to “the facility’s interim status”
703.301(b)	270.85	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “do I” to “does an owner or operator”
703.301(b)(1)	270.85(a)	Changed “you treat, store, or dispose” to “an owner or operator treats, stores, or disposes;” changed “you must” to “an owner or operator shall”
703.301(b)(3)	270.85(c)	Changed “you” to “an owner or operator;” changed “you must” to “an owner or operator shall” (twice); changed “these RAPs” to “the RAP;” changed “your” to “the owner’s or operator’s;” moved the adverb “however” to beginning of the sentence; changed semicolon to a period to split a runon sentence; changed “you submit” to “an owner or operator submits;” changed “your permit” to “the owner’s or operator’s RCRA permit” (twice); added comma to offset prepositional phrase “when . . . modified;” added comma to offset “therefore;” added comma to offset final element of a series; used “the permit” in place of “it”
703.301(c)	270.90	Rendered entire federal section as subsection; changed “my” to “a;” changed “me” to “an owner or operator;” changed “me” to “it;” replaced note language about compliance with a permit constituting compliance with RCRA with a note explaining the contrary is true under Illinois law
703.302 Section heading	Subpart subheading	Used subpart subheading as the Section heading

	270.95	Rendered entire federal section as subsection; statement and used it as a subsection heading; changed “you must” to “an owner or
703.302(b)	270.100	added a comma to offset final element of a series
703.302(c)	270.105	Rendered entire federal section as subsection; changed “must” to “shall” (twice)
703.302(d)	270.110	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “I” to “an owner or operator;” changed “my” to “its” (twice); changed “you must” to “an owner or operator shall”
703.302(d)(1)	270.110(a)	Changed “EPA” to “USEPA”
703.302(d)(5)	270.110(e)	Added “the following”
703.302(d)(5)(C)	270.110(e)(3)	Added a comma to offset the final element of a series
703.302(d)(6)	270.110(f)	Added “the following;” added a comma to offset the final element of a series
703.302(d)(6)(A)	270.110(f)(1)	Used “or” in place of “and/or”
703.302(d)(6)(C)	270.110(f)(3)	Changed “you” to “an owner or operator”
703.302(d)(7)	270.110(g)	Changed “your” to “an owner’s or operator’s”
703.302(d)(8)	270.110(h)	Used lower case “federal”

703.302(e)	270.115	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “you want” to “an owner or operator wants;” substituted citation to Illinois trade secrets protection rules (twice); changed “you” to “an owner or operator” (twice); changed “you submit” to “an owner or operator submits” (four times); changed “you must” to “an owner or operator shall;” changed “your” to “its;” changed “confidential business information” to “trade secret;” changed “on each . . . information” to “in red ink as provided in 35 Ill. Adm. Code 120.305;” changed “you do assert” to “an owner or operator asserts;” added “in compliance with 35 Ill. Adm. Code 120.201;” used “Agency shall” in place of “EPA will;” changed “you do” to “an owner or operator does;” used “Agency shall” in place of “EPA may;” changed “you” to “the owner or operator;” used “or” in place of “and/or”
703.302(f)	270.120	Rendered entire federal section as subsection; changed “I” to “an owner or operator;” changed “my” to “its;” changed “you must” to “an owner or operator shall;” changed “your” to “its”
703.302(g)	270.125	Rendered entire federal section as subsection; changed “you submit” to “an owner or operator submits” (twice); changed “your” to “its” (three times); changed “you must” to “an owner or operator shall”
703.303 Section heading	Subpart subheading	Used subpart subheading as the Section heading
703.303(a)	270.130	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “my” to “an”
703.303(a)(1)	270.130(a)	Changed “your” to “an owner’s or operator’s;” changed “your” to “the” (three times); changed “Director will” to “Agency shall” (twice)

703.303(a)(2)	270.130(b)	Changed “your” to “an owner’s or operator’s” (three times); changed “your” to “the” (three times); changed “you” to “an owner or operator” (twice); changed “you fail or refuse” to “an owner or operator fails or refuses;” changed “your” to “its;” added “either;” added “or to approve that application with certain changes” (twice); added parenthetical “as allowed under Section 39 of the Act [415 ILCS 5/39]” offset by comma; changed “Director will” to “Agency shall”
703.303(b)	270.135	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “it” to “the draft;” added “the following information”
703.303(b)(1)	270.135(a)	Added definite article “the”
703.303(b)(2)(A)	270.135(b)(1)	Changed “your” to “the;” added comma before “as required” to offset parenthetical
703.303(b)(2)(B)	270.135(b)(2)	Added definite article “the”
703.303(b)(2)(C)	270.135(b)(3)	Added definite article “the;” changed “your” to “the”
703.303(c)	270.140	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “he must” to “it shall;” added “do the following”
703.303(c)(2)	270.140(b)	Added “the following information”
703.303(c)(2)(C)	270.140(b)(2)	Changed “issuing Regional office” to “applicable Agency office”
703.303(d)	270.145	Rendered entire federal section as subsection, renumbering subsections accordingly
703.303(d)(1)	270.145(a)	Changed “must” to “shall;” added “publish notice of its intent as follows”
703.303(d)(1)(A)	270.145(a)(1)	Changed “you” to “an owner or operator” (twice); changed “his” to “its;” changed “your” to “an owner’s or operator’s”
703.303(d)(1)(B)	270.145(a)(2)	Changed “his” to “its;” changed “your” to “an owner’s or operator’s”
703.303(d)(1)(C)	270.145(a)(3)	Changed “his” to “its;” changed “your” to “an owner’s or operator’s”
703.303(d)(1)(D)	270.145(a)(4)	Changed “his” to “its;” changed “your” to “an owner’s or operator’s” (twice)
703.303(d)(3)	270.145(c)	Added “the following information”
703.303(d)(3)(A)	270.145(c)(1)	Added “Agency”



	270.145(c)(9)	Added “that”
	270.145(d)	Changed “his” to “its;” changed “your” to “must” to “shall” (twice); changed “his” to “its;” added the following additional
703.303(d)(4)(A)	270.145(d)(1)	Added indefinite article “a”
703.303(e)	270.150	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “will” to “must;” changed “my” to “an”
703.303(e)(1)	270.150(a)	Changed “must” to “shall;” deleted unnecessary comma after “period;” added “the Agency may;” changed “your” to “the”
703.303(e)(2)	270.150(b)	Changed “your” to “the owner’s or operator’s” (three times); changed “you” to “the owner or operator;” changed “your” to “the”
703.303(e)(3)	270.150(c)	Changed “your” to “the owner’s or operator’s” (twice); changed “he” to “it;” changed “your” to “the;” changed “you” to “the owner or operator;” changed “your” to “the”
703.303(e)(4)	270.150(d)	Changed “he will” to “it shall”
703.303(e)(5)	270.150(e)	Changed “your” to “its;” changed “he will” to “it shall”
703.303(e)(6)	270.150(f)	Changed “must” to “shall;” changed “issuing Regional office” to “applicable Agency office;” changed “which” to “that;” added comma to offset parenthetical, “as long as . . .;” added “the following items”
703.303(e)(7)	270.150(g)	Changed “must” to “shall”
703.303(f)	270.155	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “my” to “an”
703.303(f)(1)	270.155(a)	Used singular “hearing;” changed “your” to “the owner’s or operator’s;” changed “who” to “that;” changed “the Director will” to “the Agency shall;” used singular “RAP;” added “the following information”
703.303(f)(1)(A)	270.155(a)(1)	Changed “the briefing schedule” to “the public hearing and any briefing schedule”

703.303(f)(1)(B)	270.155(a)(2)	amicus brief” to “participate or an amicus brief”
	270.160	Rendered entire federal section as subsection, changed “my” to “an;” changed “your” to “an;” changed “30 days” to “35 days;”  changed “your” to “the;” added “any of the following is true;” added ending explanatory
703.303(g)(1)	270.160(a)	
703.303(g)(2)	270.160(b)	changed “your” to “the” (three times)
703.303(h)		Rendered entire federal section as subsection; changed “you” to “an owner or operator”
703.304 Section heading		Used subpart subheading as the Section heading; changed question into a declarative
703.304(a)	270.170	changed “my” to “an;” changed “your” to “an;” changed “must” to “shall;” changed  “an owner’s or operator’s;” changed “your” to “its”
	270.175	Rendered entire federal section as subsection,  changed “my” to “a”
703.304(b)(1)		Rendered entire federal section as subsection, renumbering subsections accordingly;  operator’s;” changed “your” to “its;” changed “will” to “shall;” changed “my” to “a;”  owner or operator;” added “the following”
703.304(b)(1)(A)		Changed “you” to “the owner or operator”
703.304(b)(1)(C)		Added a comma to offset the last element of a series; deleted a comma separating the
703.304(b)(1)(D)	270.175(a)(4)	“the owner’s or operator’s;” added comma after “shortage” to offset parenthetical;  to “an owner or operator has”

703.304(b)(1)(E)	270.175(a)(5)	Changed “you are” to “the owner or operator is;” changed “your” to “its”
703.304(b)(1)(F)	270.175(a)(6)	Changed “you” to “the owner or operator” (twice)
703.304(b)(1)(G)	270.175(a)(7)	Changed “your” to “the owner’s or operator’s;” added “the RAP”
703.304(b)(1)(H)	270.175(a)(8)	Changed “you have” to “the owner or operator has;” added “and;” changed “your” to “an”
703.304(b)(2)	270.175(b)	Changed “he” to “it”
703.304(b)(3)	270.175(c)	Changed “will” to “shall”
703.304(c)	270.180	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “my” to “a”
703.304(c)(1)	270.180(a)	Changed “your” to “a” (twice); changed “his” to “its;” changed “will” to “ shall;” changed “your” to “the owner’s or operator’s”
703.304(c)(2)	270.180(b)	Changed “will” to “ shall”
703.304(d)	270.185	Rendered entire federal section as subsection; changed “my” to “a” (twice); changed “your” to “a” (twice); changed “his” to “its;” changed “your” to “the” (twice)
703.304(e)	270.190	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “my” to “a”
703.304(e)(1)	270.190(a)	Added a comma to offset final element of a series (twice); removed comma from a two-element series; changed “who” to “that” (twice); used singular “hearing” (twice); changed “your” to “a;” removed unnecessary comma separating sentence subject and verb
703.304(e)(2)	270.190(b)	Added a comma to offset final element of a series; removed comma from a two-element series; changed “who” to “that” (twice); used singular “hearing” (twice); changed “informally appeal” to “appeal”
703.304(e)(3)	270.190(c)	Changed “process” to “procedure;” changed “informal appeal” to “appeal”
703.304(e)(3)(A)	270.190(c)(1)	Changed “must” to “shall;” changed “letter” to “petition” (twice); added reference to “35 Ill. Adm. Code 101 and 105;” added “state the defect . . . pursue the appeal”
703.304(e)(3)(B)	270.190(c)(2)	Changed “60 days” to “120 days;” changed “letter” to “petition”

703.304(e)(3)(C)	270.190(c)(3)	Changed “60 days” to “120 days”
703.304(e)(4)	270.190(d)	Changed “informal appeal” to “appeal”
703.304(f)	270.195	Rendered entire federal section as subsection; changed “my” to “a;” changed “will” to “shall” (twice); changed “you” to “the owner or operator;” changed “your” to “the;” changed “you continue” to “the owner or operator continues;” added “the Act and”
703.304(g)	270.200	Rendered entire federal section as subsection; changed “I” to “an owner or operator;” changed “my” to “a;” changed “if it” to “that;” changed “you wish” to “an owner or operator wishes;” changed “your” to “a;” changed “you must” to “an owner or operator shall”
703.304(h)	270.205	Rendered entire federal section as subsection; changed “have” to “has;” changed “my” to “its;” changed “you have” to “an owner or operator has;” changed “your” to “an owner’s or operator’s;” changed “your” to “the”
703.305 Section heading	Subpart subheading	Used subpart subheading as the Section heading; changed “your” to “a”
703.305(a)	270.210	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “I” to “an owner or operator;” changed “my” to “its;” changed “you are” to “an owner or operator is;” added “the following”
703.305(a)(1)	270.210(a)	Changed “you submit” to “an owner or operator submits;” used “three” in place of “3”
703.305(a)(2)	270.210(b)	Changed “and/or” to “or;” changed “you” to “an owner or operator;” changed “your” to “the”
703.305(b)	270.215	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “my” to “the”
703.305(b)(1)	270.215(a)	Changed “your” to “a;” changed “you must” to “the owner or operator shall;” changed “your” to “the;” changed “you” to “the owner or operator”

703.305(b)(2)	270.215(b)	Changed “you are” to “the owner or operator is;” changed “your” to “its” (twice); changed “you wish” to “the owner or operator wishes;” changed “must” to “shall” (twice); changed “you plan” to “an owner or operator plans;” changed “owner/operator” to “owner or operator”
703.305(b)(3)	270.215(c)	Changed “you wish” to “an owner or operator wishes;” changed “your” to “its” (three times); changed “you must” to “an owner or operator shall;” changed “30 days” to “35 days;” changed “30th day” to “35th day” (twice); changed “you” to “the owner or operator” (twice)
703.305(b)(4)	270.215(d)	Changed “3 days” to “four days;” changed “you wish” to “an owner or operator wishes;” changed “your” to “its” (twice); changed “you must” to “an owner or operator shall;” changed “30 days” to “35 days;” changed “you” to “the owner or operator” (twice); deleted sentence extending time for appeal if the notice was sent by mail
703.305(c)	270.220	Rendered entire federal section as subsection, renumbering subsections accordingly; changed “I” to “an owner or operator;” changed “my” to “its”
703.305(c)(1)	270.220(a)	Changed “you wish” to “an owner or operator wishes;” changed “your” to “its” (twice); changed “you must” to “an owner or operator shall;” changed “owner/operator must” to “owner or operator shall;” changed “you” to “the owner or operator”
703.305(c)(2)	270.220(b)	Changed “you, as the old owner or operator must” to “the old owner or operator shall;” changed “must” to “shall” (three times); changed “owner/operator” to “owner or operator;” changed “tell you that you no longer need” to “tell the owner or operator that it no longer needs”
703.305(d)	270.225	Rendered entire federal section as subsection; changed “must” to “shall;” added parenthetical “incorporated by reference . . .”
703.306	270.230	Changed “I” to “an owner or operator”
703.306(a)	270.230(a)	Changed “you” to “an owner or operator” (twice)

703.306(b)	270.230(b)	Changed “must” to “shall”
703.306(c)	270.230(c)	Changed “you must” to “an owner or operator shall;” changed “the Director will” to “the Agency shall”
703.306(d)(4)	270.230(d)(4)	Changed “which” to “that;” changed “you must” to “an owner or operator shall;” added definite article “the”
703.306(d)(4) Board Note	270.230(d)(4) Note	Changed “sites located in political jurisdictions other than those listed in Appendix VI of Part 264 of this chapter” to “sites in Illinois;” changed “this” to “the;” added “of subsection (d)(4) . . . Appendix VI”
720.110 “corrective action management unit”	260.10 “corrective action management unit” ¶ (3)	Changed “notwithstanding paragraph (2)” to “notwithstanding the immediately preceding paragraph;” added “a facility that”
720.110 “miscellaneous unit”	260.10 “miscellaneous unit”	Changed a comma to a semicolon to offset the final element of a series
720.110 “remediation waste management site”	260.10 “Remediation waste management site”	Added quotation marks to defined term; added a comma to offset the final element of a series; added “a remediation waste management site”
720.110 “staging pile”	260.10 “staging pile”	Added quotation marks to defined term
721.102(e)(1)(C)	261.2(e)(1)(iii)	Used “in such a manner that” in place of “such that”
721.104(a)(17)(E)	260.4(1)(17)(v)	Hyphenated “non-land-based”
721.104(b)(15)	260.4(b)(15)	Added “the following conditions are fulfilled”
721.104(b)(15)(A)	260.4(b)(15)(i)	Corrected the effective date of the hazardous waste listing to “January 19, 1999”
721.104(b)(15)(C)	260.4(b)(15)(iii)	Added ending conjunction “and”
721.104(b)(15)(D)	260.4(b)(15)(iv)	Added “federal”
721.104(g)	260.4(g)	Deleted citation to the Marine Protection, Research, and Sanctuaries Act; added “the purposes of”
721.104(g) “dredged material”	260.4(g)(1)	Added quotation marks to the defined term; added parenthetical “as incorporated by reference . . .”
721.104(g) “permit”	260.4(g)(2)	Added quotation marks to the defined term; changed “Corps” to “Army Corps” (four times); deleted “or an approved State;” changed “U.S.C.” to “USC” (twice); changed “paragraphs (g)(2)(i) and (ii)” to “the preceding two paragraphs”

724.101(j)	264.1(j)	Added a comma to offset final element of a series; changed “must” to “shall;” added “comply with the following requirements”
724.101(j)(1)	264.1(j)(1)	Added “the owner or operator shall;” changed “Administrator” to “USEPA;” changed “EPA” to “USEPA”
724.101(j)(2)	264.1(j)(2)	Added “the owner or operator shall;” changed “must be kept” to “the owner or operator shall keep the analysis”
724.101(j)(3)	264.1(j)(3)	Added “the owner or operator shall;” added “the site;” added “the owner or operator shall;” added “the following;” deleted “that”
724.101(j)(4)	264.1(j)(4)	Added “the owner or operator shall” (twice); deleted unnecessary commas before and after “or may lead to;” deleted unnecessary comma before “or a threat to human health;” changed “must” to “shall” (twice); changed “owner/operator” to “owner or operator;” moved adverb “immediately” before verb “take”
724.101(j)(5)	264.1(j)(5)	Added “the owner or operator shall”
724.101(j)(6)	264.1(j)(6)	Added “the owner or operator shall” (twice); added a comma to offset final element of a series
724.101(j)(7)	264.1(j)(7)	Changed “owner/operator” to “owner or operator” (twice); changed “must” to “shall”
724.101(j)(8)	264.1(j)(8)	Added “the owner or operator shall;” added a comma to offset final element of a series
724.101(j)(9)	264.1(j)(9)	Added “the owner or operator shall;” added a comma to offset final element of a series
724.101(j)(10)	264.1(j)(10)	Added “the owner or operator shall;” added a comma to offset final element of a series
724.101(j)(11)	264.1(j)(11)	Added “the owner or operator shall”
724.101(j)(12)	264.1(j)(12)	Added “the owner or operator shall;” added a comma to offset final element of a series
724.101(j)(13)	264.1(j)(13)	Added “the owner or operator shall”
724.190(e)	264.90(e)	Changed “post-closure” to “post-closure care;” changed “or an enforceable document” to “or other enforceable document;” added “that contains alternative requirements for the facility;” changed “when the Agency . . . enforceable document” to read “when an enforceable document . . . facility”

724.190(f)	264.90(f)	Changed “the Regional Administrator may” to “A permit or enforceable document . . . a regulated unit that;” added “as provided under 35 Ill. Adm. Code 703.161;” changed “Regional Administrator” to “Board or Agency;” added “the following”
724.190(f)(1)	264.90(f)(1)	Used plural “units”
724.201(d)	264.101(d)	Changed “this does” to “the requirements of this Section do;” added a comma to offset final element of a series
724.210(c)	264.110(c)	Changed “the Regional Administrator may” to “A permit or enforceable document . . . a regulated unit that;” added “closure and post-closure care;” changed “or in an enforceable document” to “or other enforceable document;” changed “(as defined in 40 CFR 270.1(c)(7))” to parenthetical “as provided under 35 Ill. Adm. Code 703.161” offset by commas; changed “Regional Administrator” to “Board or Agency;” added “the following”
724.210(c)(1)	264.110(c)(1)	Used plural “units”
724.212(b)(8)	264.112(b)(8)	Used singular “a facility;” changed “where the Regional Administrator as applied alternative requirements” to “where alternative requirements are established;” corrected reference to “724.210(c);” changed “and/or” to “or;” added “as provided under 35 Ill. Adm. Code 703.161”
724.212(c)(2)(C)	264.112(c)(2)(iii)	Replaced ending comma with a semicolon; added ending conjunction “or”
724.212(c)(2)(D)	264.112(c)(2)(iv)	Changed “Regional Administrator to apply” to “establishment of;” added “as provided under 35 Ill. Adm. Code 703.161;” changed “and/or” to “or”
724.218(b)(4)	264.118(b)(4)	Used singular “a facility;” changed “Regional Administrator . . . alternative requirements” to “alternative requirements are established;” corrected reference to “724.210(c);” changed “and/or” to “or;” added “as provided under 35 Ill. Adm. Code 703.161”
724.218(d)(2)(C)	264.118(d)(2)(iii)	Changed ending period to a semicolon; added ending conjunction “or”
724.218(d)(2)(D)	264.118(d)(2)(iv)	Changed “Regional Administrator to apply” to “establishment of;” changed “and/or” to “or”



724.240(d)	264.140(d)	Changed “Regional Administrator may . . .” to “A permit or enforceable document . . . a regulated unit that;” added “establish alternative requirements that;” added “financial assurance;” added “as provided under 35 Ill. Adm. Code 703.161;” added “has done the following”
724.240(d)(1)	264.140(d)(1)	Changed “prescribes” to “the Board has established;” added “established;” changed “and/or” to “or”
724.240(d)(2)	264.140(d)(2)	Added “the Board;” added “financial assurance”
724.652(a)	264.552(a)	Changed “and/or” to “or”
724.653(a)	264.553(a)	Deleted unnecessary comma before “as a temporary unit;” changed owner/operator” to “owner or operator;” used plural “standards;” changed “which” to “that”
724.654	264.554	Added “all;” deleted “Environmental Protection Agency (EPA);” added “Section”
724.654(a)	264.554(a)	Added “which;” changed owner/operator” to “owner or operator;” corrected “in according to” to “in accordance with”
724.654(b)	264.554(b)	Changed “I” to “an owner or operator;” changed “you” to “an owner or operator;” changed “you follow” to “an owner or operator follows;” changed “must” to “shall” (twice)
724.654(c)	264.554(c)	Changed “I” to “an owner or operator;” changed “you must” to “an owner or operator shall”
724.654(c)(1)	264.554(c)(1)	Changed “your” to “the facility’s”
724.654(c)(2)	264.554(c)(2)	Changed “you provide” to “an owner or operator provides”
724.654(d)	264.554(d)	Changed “must” to “shall”
724.654(d)(1)(B)	264.554(d)(1)(ii)	Added conjunction “or”
724.654(d)(1)(D)	264.554(d)(1)(iv)	Changed “I” to “an owner or operator;” changed “you must” to “an owner or operator shall” (twice); changed “you place” to “an owner or operator places;” removed unnecessary comma before “or for three years” separating two-element series
724.654(d)(2)	264.554(d)(2)	Changed “must” to “shall”
724.654(d)(2)(A)	264.554(d)(2)(i)	Added definite article “the”

724.654(d)(2)(B)	264.554(d)(2)(ii)	Added definite article “the;” changed “you intend” to “an owner or operator intends”
724.654(d)(2)(C)	264.554(d)(2)(iii)	Added definite article “the”
724.654(d)(2)(D)	264.554(d)(2)(iv)	Added definite article “the”
724.654(d)(2)(E)	264.554(d)(2)(v)	Added definite article “the”
724.654(d)(2)(F)	264.554(d)(2)(vi)	Added definite article “the”
724.654(e)	264.554(e)	Changed “you must” to “an owner or operator shall”
724.654(e)(1)	264.554(e)(1)	Changed “you have” to “an owner or operator has;” changed “you” to “it;” changed “it” to “the waste;” added “the following is true of the waste”
724.654(e)(1)(B)	264.554(e)(1)(B)	Changed “you have” to “an owner or operator has”
724.654(e)(2)	264.554(e)(2)	Changed “you manage” to “an owner or operator manages”
724.654(f)	264.554(f)	Changed “do I” to “does an owner or operator;” changed “you must” to “an owner or operator shall”
724.654(f)(1)	264.554(f)(1)	Changed “you must” to “an owner or operator shall;” changed “you have” to “an owner or operator has”
724.654(f)(2)	264.554(f)(2)	Added a comma to offset final element of a series; changed “you must” to “an owner or operator shall”
724.654(f)(3)	264.554(f)(3)	Changed “you must” to “an owner or operator shall”
724.654(g)	264.554(g)	Added “federal” (twice)
724.654(h)	264.554(h)	Changed “I” to “an owner or operator;” changed “you must” to “an owner or operator shall”
724.654(i)	264.554(i)	Changed “I” to “an owner or operator”
724.654(i)(1)	264.554(i)(1)	Deleted “the Director;” changed “you must” to “an owner or operator shall;” added “the following is true of”
724.654(i)(1)(A)	264.554(i)(1)(A)	Added “continued operation”
724.654(i)(1)(B)	264.554(i)(1)(B)	Added “continued operation”
724.654(i)(2)	264.554(i)(2)	Changed “may” to “shall”
724.654(j)(1)	264.554(j)(1)	Changed “you must” to “an owner or operator shall;” added “of the following”
724.654(j)(2)	264.554(j)(2)	Changed “you must” to “an owner or operator shall”
724.654(j)(3)	264.554(j)(3)	Changed “must” to “shall”

724.654(k)(1)	264.554(k)(1)	Changed “you must” to “an owner or operator shall;” removed unnecessary semicolon before “or according to . . .” separating two-element series
724.654(k)(2)	264.554(k)(2)	Changed “must” to “shall”
724.654(l)(1)	264.554(l)(1)	Added “of the following must occur”
724.654(l)(1)(A)	264.554(l)(1)(i)	Changed “must” to “shall”
724.654(l)(1)(B)	264.554(l)(1)(ii)	Changed “you must” to “an owner or operator shall”
724.654(l)(2)	264.554(l)(2)	Changed “you must” to “an owner or operator shall”
724.654(l)(3)	264.554(l)(3)	Changed “you must” to “an owner or operator shall”
724.654(l)(4)	264.554(l)(4)	Changed “you must” to “an owner or operator shall”
724.654(m)	264.554(m)	Changed “must” to “shall”
725.190(f)	265.90(f)	Changed “the Regional Administrator may” to “A permit or enforceable document . . . a regulated unit that;” added “as provided under 35 Ill. Adm. Code 703.161;” changed “Regional Administrator” to “Board or Agency;” added “the following”
725.190(f)(1)	265.90(f)(1)	Added definite article “the;” used plural “units”
725.190(f)(2)	265.90(f)(2)	Added “groundwater monitoring”
725.210(c)	265.110(c)	Added “which;” changed “as defined in” to “established pursuant to”
725.210(d)	265.110(d)	Changed “the Regional Administrator may” to “A permit or enforceable document . . . a regulated unit that;” added “closure and post-closure care;” added “as provided under 35 Ill. Adm. Code 703.161;” changed “Regional Administrator” to “Board or Agency;” added “the following”
725.210(d)(1)	265.110(d)(1)	Added definite article “the;” used plural “units”
725.210(d)(2)	265.110(d)(2)	Changed “and/or” to “and”
725.212(b)(7)	265.112(b)(7)	Replaced ending punctuation from a period to a semicolon; added conjunction “and”

725.212(b)(8)	265.112(b)(8)	Used singular “a facility;” changed “where the Regional Administrator as applied alternative requirements” to “where alternative requirements are established;” changed “and/or” to “or;” added “as provided under 35 Ill. Adm. Code 703.161;” removed an unnecessary comma separating a two-element series
725.212(c)(1)(C)	265.112(c)(2)(iii)	Replaced ending comma with a semicolon; added ending conjunction “or”
725.212(c)(1)(D)	265.112(c)(2)(iv)	Changed “Regional Administrator to apply” to “establishment of;” added “as provided under 35 Ill. Adm. Code 703.161;” changed “and/or” to “or”
725.218(c)(4)	265.118(c)(4)	Used singular “a facility”
725.218(c)(5)	265.118(c)(5)	Used singular “a facility;” changed “where the Regional Administrator as applied alternative requirements” to “where alternative requirements are established;” changed “applied” to “established;” changed “and/or” to “or;” added “as provided under 35 Ill. Adm. Code 703.161”
725.218(d)(1)(C)	265.118(d)(1)(iii)	Changed “Regional Administrator to apply” to “establishment of;” changed “and/or” to “or”
725.221 Section heading	265.121	Added “alternative;” added “care”
725.221(a)	265.121(a)	Used singular “an owner or operator . . . is;” changed “who” to “that;” changed “who” to “which;” used singular “enforceable document;” changed “under” to “in;” changed “must” to “shall”
725.221(a)(2)	265.121(a)(2)	Added ending conjunction “and”
725.221(b)	265.121(b)	Added subsection heading
725.221(b)(1)	265.121(b)(1)	Added subsection heading
725.221(b)(1)(A)	265.121(b)(1)	Changed subsection indent level; changed “the Regional Administrator, in issuing enforceable documents” to “in establishing alternative requirements in an enforceable document under this Section, the Board;” added parenthetical “as such . . . provisions of the Act;” added ending colon
725.221(b)(1)(A)	265.121(b)(1)(i)	Deleted conditional provision
725.221(b)(1)(A)	265.121(b)(1)(iii)	Deleted conditional provision

725.221(b)(1)(A)(i)	265.121(b)(1)	Added citation for site-specific rulemaking
725.221(b)(1)(A)(ii)	265.121(b)(1)	Added citation for adjusted standard
725.221(b)(1)(A)(iii)	265.121(b)(1)	Added citation for variance
725.221(b)(1)(A)(iv)	265.121(b)(1)	Added citation for a “cease and desist” order
725.221(b)(1)(B)	265.121(b)(1)(ii)	Added “an appropriate statutory or regulatory authority;” added citation to “35 Ill. Adm. Code 705.Subparts D and E” for requirements; added “as follows”
725.221(b)(1)(B)(i)	265.121(b)(1)(i)	Changed “as a regulatory or enforcement matter” to “under regulations or in an enforcement action”
725.221(b)(1)(B)(ii)	265.121(b)(1)(ii)	Added “on;” changed “upon” to “on;” changed “in particular” to “especially”
725.221(b)(1)(B)(iii)	265.121(b)(1)(iii)	Added “on;” changed “upon” to “on;” changed “in particular” to “especially”
725.221(b)(1)(C)	265.121(b)(1)	Moved continuing language into a separate subsection to comport with codification requirements; changed “these” to definite article “the;” added “of subsection (b)(1)(B) of this Section;” added “owner or operator;” added “either of”
725.221(b)(2)	265.121(b)(2)	Moved adverb “immediately” before verb “implement;” changed “may” to “shall”
725.221(b)(3)	265.121(b)(3)	Used probable state effective date of “August 6, 1999” (twice); added “care”
725.240(d)	265.140(d)	Changed “the Regional Administrator may” to “A permit or enforceable document . . . a regulated unit that;” moved “permit or in the enforceable document” and changed it to “permit or other enforceable document;” added “establish alternative requirements that;” added “financial assurance;” added “as provided under 35 Ill. Adm. Code 703.161;” added “has done the following;” changed “Regional Administrator” to “Board or Agency”
725.240(d)(1)	265.140(d)(1)	Changed “prescribes” to “the Board has established;” added “established;” changed “and/or” to “or”
725.240(d)(2)	265.140(d)(2)	Added “the Board;” added “financial assurance”

726.180(a)	266.80(a)	Changed “you generate, collect, transport, store, or regenerate” to “an owner or operator generates, collects, transports, stores, or regenerates;” changed “you” to “the owner or operator;” changed “your” to “its”
726.180(a) table	266.80(a) table	Changed “your” to “the;” changed “you” to “and owner or operator” (three times); changed “* * *” to ellipses; changed “are” to “is” (eight times); changed “generate, collect, and/or transport” to “generates, collects, or transports;” removed unnecessary comma from a two-element series (four times); changed “store” to “stores” (twice); changed “you” to “the owner or operator” (three times); changed “reclaim” to “reclaims” (twice); changed “must” to “shall;” offset parenthetical “as appropriate” with commas; changed “don’t” to “does not”
726.180(b)	266.80(b)	Changed “you store” to “an owner or operator stores;” changed “you reclaim” to “it reclaims” (twice); changed “you” to “an owner or operator;” changed “you store” to “the owner or operator stores;” changed “your” to “its;” changed “you don’t” to “the owner or operator does not;” changed “your” to “the owner’s or operator’s”
726.180(b)(1)	266.80(b)(1)	Used singular “an interim status facility;” changed “you must” to “an owner or operator shall;” added “the following requirements”
726.180(b)(2)	266.80(b)(2)	Added indefinite article “an;” added “the following requirements”
726.180(b)(2)(A)	266.80(b)(2)(i)	Added definite article “the”
728.109(d)(2)	268.9(d)(2)(i)	Restored language omitted from June 1, 1995, order in docket R95-6; incorporated text into parent subsection because a single subsection (d)(2)(A) is not allowed under Illinois Administrative Code codification requirements
728.139(c)	268.39(c)	Omitted past effective date

728.140(j)	268.40(i)	Corrected conflicting subsection number; omitted past effective date; used “USEPA hazardous waste numbers;” referred to “Table T of this Part;” offset table title with commas; offset parenthetical “for nonwastewaters” with commas, deleting semicolon; removed comma after conjunction “and;” offset parenthetical “as defined by . . .” with commas (four times); separated major elements of a series with semicolons (three times); added explanatory Board note
728.149(c)(3)(B)	268.49(c)(3)(iii)	Used “methods” in place of “method(s)”
728.Table T “K157”	268.40(a) table	Retained correct spelling of “carbamoyl”
728.Table T “K158”	268.40(a) table	Retained correct spelling of “carbamoyl”
728.Table T footnote 10	268.40(a) table	Referred to “the table in this Section;” offset parenthetical “for nonwastewaters” with commas, deleting semicolon; removed comma after conjunction “and;” offset parenthetical “as defined by . . .” with commas (four times); separated major elements of a series with semicolons (three times)

TABLE 2

Board Amendments Not Federally-Derived

Section	Revision(s)
702.110 “Administrator”	Removed unnecessary comma
702.110 “elementary neutralization unit”	Added a comma to offset final element of a series
702.110 “physical construction”	Added a comma to offset final element of a series
702.110 Board Note	Updated citation to corresponding federal provision; changed indent level to reflect applicability to the entire Section
702.126(a)(1)(A)	Changed personal pronoun “who” to “that”
702.126(a)(1)(B) Board Note	Changed “above” to “of this Section” (twice)
702.126(b)	Changed “above” to “of this Section”
702.126(b)(1)	Changed “above” to “of this Section”
702.126(c)	Changed “above” to “of this Section”
702.126(d)(1)	Changed “above” to “of this Section;” changed personal pronoun “who” to “that” in the certification statement

702.126 Board Note	Updated citation to corresponding federal provision; changed indent level to reflect applicability to the entire Section
703.121(a)	Added comma to offset final element of a series
703.121(b)	Changed “post-closure permit” to “post-closure care permit” (twice); added comma to offset final element of a series
703.121(c)	Changed “post-closure permit” to “post-closure care permit”
703.121 Board Note	Updated citation to corresponding federal provision; changed indent level to reflect applicability to the entire Section
703.157	Moved “is made”
703.157(e)	Added a comma to offset final element of a series
703.157 Board Note	Updated citation to corresponding federal provision; changed indent level to reflect applicability to the entire Section
703.182 Board Note	Corrected Board Note format; updated citation to corresponding federal provision; changed indent level to reflect applicability to the entire Section
703.183	Added subsection (r) and renumbered subsections (r) through (u) to (s) through (v) to maintain structural consistency with the corresponding federal provision
703.183(b)	Added a comma to offset final element of a series
703.183 Board Note	Updated citation to corresponding federal provision; changed indent level to reflect applicability to the entire Section
703.Appendix A ¶ A.4.	Added a comma to offset final element of a series
703.Appendix A ¶ A.4.a.	Added a comma to offset final element of a series
703.Appendix A ¶ B.6.b.	Added a comma to offset final element of a series
703.Appendix A ¶ B.6.d.	Added a comma to offset final element of a series
703.Appendix A ¶ C.1.a.	Added a comma to offset final element of a series
703.Appendix A ¶ C.1.b.	Added a comma to offset final element of a series
703.Appendix A ¶ C.5.	Added a comma to offset final element of a series
703.Appendix A ¶ D.1.f.	Added a comma to offset final element of a series
703.Appendix A ¶ D.3.f.	Added a comma to offset final element of a series
703.Appendix A ¶ E.1.	Added a comma to offset final element of a series
703.Appendix A ¶ F.1.a.	Added a comma to offset final element of a series
703.Appendix A ¶ F.1.c.	Added spaces to separate sentences (twice)
703.Appendix A ¶ F.4.a.	Added spaces to separate sentences (twice)



703.Appendix A ¶ F.4.b.	Added spaces to separate sentences (twice)
703.Appendix A ¶ G.1.c.	Added a comma to offset final element of a series
703.Appendix A ¶ G.1.d.	Added a comma to offset final element of a series
703.Appendix A ¶ G.1.e.	Added spaces to separate sentences (twice)
703.Appendix A ¶ G.5.c.	Added spaces to separate sentences
703.Appendix A ¶ G.5.d.	Added spaces to separate sentences
703.Appendix A ¶ H.3.	Added a comma to offset final element of a series
703.Appendix A ¶ H.5.	Added a comma to offset final element of a series
703.Appendix A ¶ H.5.c.	Added spaces to separate sentences
703.Appendix A ¶ H.5.d.	Added spaces to separate sentences
703.Appendix A ¶ I.	Added spaces to separate sentences (twice)
703.Appendix A ¶ J.3.	Added a comma to offset final element of a series
703.Appendix A ¶ J.4.	Added a comma to offset final element of a series
703.Appendix A ¶ J.6.a.	Added a comma to offset final element of a series
703.Appendix A ¶ J.6.b.	Added a comma to offset final element of a series
703.Appendix A ¶ J.6.c.	Added spaces to separate sentences
703.Appendix A ¶ J.6.d.	Added spaces to separate sentences
703.Appendix A ¶ K.13.	Added a comma to offset final element of a series
703.Appendix A ¶ L.1.	Added a comma to offset final element of a series; added spaces to separate sentences
703.Appendix A ¶ L.2.	Added a comma to offset final element of a series; added spaces to separate sentences
703.Appendix A ¶ L.3.	Added a comma to offset final element of a series (three times); added spaces to separate sentences
703.Appendix A ¶ L.4.	Added a comma to offset final element of a series; added missing spaces between sentences
703.Appendix A ¶ L.5.a.	Added a comma to offset final element of a series; added spaces to separate sentences
703.Appendix A ¶ L.8.	Corrected “nonhazardous” to “non-hazardous”
703.Appendix A Board Note	Updated the Code of Federal Regulations and <i>Federal Register</i> citation
720.110 “active portion”	Added a comma to offset final element of a series
720.110 “ancillary equipment”	Added a comma to offset final element of a series

720.110 “aquifer”	Added a comma to offset final element of a series
720.110 “authorized representative”	Added a comma to offset final element of a series
720.110 “aquifer”	Added a comma to offset final element of a series
720.110 “boiler”	Added a comma to offset final element of a series
720.110 “container”	Added a comma to offset final element of a series
720.110 “contingency plan”	Added a comma to offset final element of a series
720.110 “corrective action management unit”	Added “or ‘CAMU’”
720.110 “designated facility”	Added a comma to offset final element of a series
720.110 “dike”	Added a comma to offset final element of a series
720.110 “discharge”	Added a comma to offset final element of a series
720.110 “disposal”	Added a comma to offset final element of a series
720.110 “elementary neutralization unit”	Added a comma to offset final element of a series
720.110 “EPA identification number”	Added a comma to offset final element of a series
720.110 “federal, state, and local approvals or permits necessary to begin physical construction”	Added a comma to offset final element of a series
720.110 “hazardous waste management unit”	Added a comma to offset final element of a series
720.110 “incinerator”	Added a comma to offset final element of a series
720.110 “incompatible waste”	Added a comma to offset final element of a series
720.110 “in operation”	Added a comma to offset final element of a series
720.110 “liner”	Added a comma to offset final element of a series (twice)
720.110 “miscellaneous unit”	Changed “which” to “that;” added a comma to offset final element of a series (twice); changed commas to semicolons for a super-series (ten times); added a semicolon to offset the final element of a series
720.110 “owner”	Changed “who” to “that”
720.110 “point source”	Added a comma to offset final element of a series
720.110 “qualified groundwater scientist”	Added a comma to offset final element of a series
720.110 “replacement unit”	Added a comma to offset final element of a series (twice)
720.110 “runoff”	Added a comma to offset final element of a series
720.110 “runon”	Added a comma to offset final element of a series

720.110 “sludge”	Added a comma to offset final element of a series (three times)
720.110 “storage”	Added a comma to offset final element of a series
720.110 “sump”	Moved definition into alphabetical order within the Section; added a comma to offset final element of a series
720.110 “surface impoundment”	Added a comma to offset final element of a series (twice)
720.110 “thermal treatment”	Added a comma to offset final element of a series
720.110 “transportation”	Added a comma to offset final element of a series
720.110 “transporter”	Added a comma to offset final element of a series
720.110 “treatment”	Added a comma to offset final element of a series (four times)
720.110 “treatment zone”	Added a comma to offset final element of a series
720.110 “underground injection”	Added a comma to offset final element of a series
720.111(b)	Updated edition of the Code of Federal Regulations incorporated by reference; added incorporations of 40 C.F.R. 232.2 and 40 C.F.R. 270.5
721.104(a)(8)(B)	Added a comma to offset final element of a series
721.104(a)(12)(A)	Separated from preceding subsection (a)(12) by adding hard returns
721.104(a)(14)(B)	Added a comma to offset final element of a series
721.104(a)(16)(C)	Added a comma to offset final element of a series
721.104(a)(18)(B)	Corrected subsection number format by adding parenthesis mark
721.104(f)(4)	Corrected “nonhazardous” to “non-hazardous”
724 table of contents	Added a comma to offset final element of a series in the heading for Section 724.101; added “care” to heading for Subpart G; changed “post closure” to capitalized “post-closure care” in heading for Section 724.218
724.101 Section heading	Added a comma to offset final element of a series
724.101(g)(8)(D)	Changed “who” to “that”
724.173(b)(8)	Changed “post-closure” to “post-closure care”
724.190(a)(2)	Added a comma to offset final element of a series
724.190(b)(2)(C)	Added a comma to offset final element of a series
724.190(c)(4)	Added a comma to offset final element of a series
724.201(a)	Added a comma to offset final element of a series; corrected “correction” to “corrective”
724.201(c)	Changed “must” to “shall”
724.Subpart G heading	Added “care”
724.212(b)(3)	Added a comma to offset final element of a series
724.212(b)(4)	Added a comma to offset final element of a series (twice)
724.212(c)	Added a comma to offset final element of a series
724.212(c)(2)(A)	Deleted unnecessary conjunction “or”

724.212(c)(2)(B)	Deleted unnecessary conjunction “or;” replaced ending comma with a semicolon
724.218 Section heading	Changed “post closure” to “post-closure care”
724.218(a)	Added “care” (five times)
724.218(b)	Added “care”
724.218(b)(1)	Added a comma to offset final element of a series
724.218(b)(2)(A)	Added a comma to offset final element of a series
724.218(b)(2)(B)	Added a comma to offset final element of a series; replaced ending semicolon with a period; removed unnecessary ending conjunction “and”
724.218(b)(3)	Added a comma to offset final element of a series; added “care”
724.218(c)	Added “care” (three times)
724.218(d)	Added “care” (twice)
724.218(d)(1)	Added “care”
724.218(d)(2)	Added “care;” added “whenever any of the following occurs” and ending colon
724.218(d)(2)(A)	Added “care;” removed unnecessary ending conjunction “or”
724.218(d)(2)(C)	Added “care;” removed unnecessary ending conjunction “or”
724.218(d)(3)	Added “care” (four times); added a comma to offset final element of a series
724.218(d)(4)	Added “care”
724.652(a)	Corrected “720.10” to “720.110”
724.652(e)(4)	Added “care”
724.652(e)(4)(D)	Added “care;” added a comma to offset final element of a series
724.652 Board note	Deleted unnecessary cross-reference to corresponding federal provision; changed “U.S. EPA” to “USEPA” (three times)
724.653 Board note	Deleted unnecessary cross-reference to corresponding federal provision; changed “U.S. EPA” to “USEPA” (three times)
725 table of contents	Added a comma to offset final element of a series in the heading for Section 725.101; added “care” to heading for Subpart G; changed “post closure” to capitalized “post-closure care” in heading for Section 725.218
725.101 Section heading	Added a comma to offset final element of a series
725.101(a)	Added “care” (twice)
725.101(b)	Added “care”
725.101(b)(1)(A)	Added a comma to offset final element of a series
725.101(c)(3)	Added a comma to offset final element of a series
725.101(c)(10)	Changed “must” to “shall”
725.101(c)(11)(B)	Changed “must” to “shall”
725.101(c)(11)(D)	Changed “who” to “that”
725.101(d)	Added a comma to offset final element of a series
725.190(a)	Added a comma to offset final element of a series; changed “must” to “shall”

725.190(b)	Changed “must” to “shall” (twice); added a comma to offset final element of a series
725.190(c)(1)(A)	Added a comma to offset final element of a series
725.190(c)(1)(B)	Added a comma to offset final element of a series
725.190(c)(2)(A)	Added a comma to offset final element of a series
725.190(d)	Added a comma to offset final element of a series; changed “he must” to “it shall”
724.212(a)	Changed to lower case “plan;” added a comma to offset final element of a series
725.212(b)(1)	Deleted unnecessary conjunction “and”
725.212(b)(2)	Deleted unnecessary conjunction “and”
725.212(b)(3)	Added a comma to offset final element of a series; deleted unnecessary conjunction “and”
725.212(b)(4)	Added a comma to offset final element of a series (twice); deleted unnecessary conjunction “and”
725.212(b)(5)	Deleted unnecessary conjunction “and”
725.212(b)(6)	Deleted unnecessary conjunction “and”
725.212(b)(4)	Deleted unnecessary conjunction “and”
725.212(c)(1)(A)	Replaced ending comma with a semicolon; deleted unnecessary ending conjunction “or”
725.212(c)(1)(B)	Replaced ending comma with a semicolon; deleted unnecessary ending conjunction “or”
725.212(c)(2)	Changed “who” to “that”
725.212(c)(3)	Changed “who” to “that;” corrected “702.280” to “703.280;” removed comma from cross-reference and changed “below” to “of this Section”
725.212(c)(4)	Removed comma from cross-reference and changed “below” to “of this Section;” changed “who” to “that;” corrected “702.280” to “703.280;” removed comma from cross-reference and changed “below” to “of this Section”
725.212(d)(1)(A)	Added a comma to offset final element of a series
725.212(d)(1)(C)	Added a comma to offset final element of a series
725.212(d)(1)(D)	Added a comma to offset final element of a series
725.212(d)(1)(F)	Added a comma to offset final element of a series
725.212(d)(4)	Added a comma to offset final element of a series
725.218 Section heading	Changed “post closure” to “post-closure care”
725.218(a)	Added “care” (twice)
725.218(b)	Added “care” (four times); added a comma to offset final element of a series
725.218(c)	Added “care”
725.218(c)(1)	Added a comma to offset final element of a series; added “care”
725.218(c)(2)(A)	Added a comma to offset final element of a series
725.218(c)(2)(B)	Added a comma to offset final element of a series; replaced ending semicolon with a period; removed unnecessary ending conjunction “and”

725.218(c)(3)	Added a comma to offset final element of a series
725.218(d)	Added “care” (three times)
725.218(d)(1)	Added “care”
725.218(d)(1)(A)	Added “care”
725.218(d)(1)(B)	Added “care”
725.218(d)(2)	Added “care” (twice)
725.218(d)(3)	Added “care” (four times); changed “who” to “that”
725.218(d)(4)	Deleted “above” from and added “of this Section” to cross-reference; added “care” (twice); changed “who” to “that”
725.218(e)	Added “care”
725.218(f)(1)	Added “care” (four times)
725.218(g)	Added “care” (twice)
725.218(g)(1)(A)(i)	Added “care;” added a comma to offset final element of a series
725.218(g)(1)(B)(i)	Added “care”
725.218(g)(2)	Added “care”
725.218(g)(2)(B)	Added “care”
725.240(b)(3)	Changed ending punctuation from a period to a comma
726.180(b)(1)(A)	Added definite article “the;” added abbreviation “RCRA” in parentheses
726.180(b)(1)(G)	Added a comma to offset final element of a series
726.200(a)	Deleted “below” from and added “of this Section” to cross-reference
726.200(b)(4)	Changed “U.S. EPA” to “USEPA”
726.200(c)	Added a comma to offset final element of a series
726.200(c)(1)	Deleted “below” from and added “of this Section” to cross-reference
726.200(c)(1)(A)(ii)	Deleted “below” from and added “of this Section” to cross-reference
726.200(c)(1)(C)	Changed “nonhazardous” to “non-hazardous”
726.200(c)(2)(A)	Deleted “above” from and added “of this Section” to cross-reference
726.200(c)(2)(B)	Deleted “above” from and added “of this Section” to cross-reference
726.200(c)(3)	Changed “must” to “shall;” deleted “above” from and added “of this Section” to cross-reference (twice)
726.200(c)(3)(A)	Changed cross-reference format to “Appendices K, L, and M of this Part;” deleted “above” from and added “of this Section” to cross-reference
726.200(c)(3)(A)(i)	Changed cross-reference format to “Appendix K of this Part;” changed cross-reference format to “Appendix L of this Part;” changed cross-reference format to “Appendix M of this Part”
726.200(c)(3)(A)(iv)	Deleted “above” from and added “of this Section” to cross-reference (three times)
726.200(c)(3)(B)	Changed cross-reference format to “Appendix K of this Part;” changed cross-reference format to “Appendix L of this Part;” changed cross-reference format to “Appendix M of this Part”
726.200(c)(3)(B)(iii)	Changed cross-reference format to “Appendix D or E of this Part”
726.200(f)	Corrected spelling of “regulated”
726.200(g) “RAC”	Changed cross-reference format to “Appendix D of this Part”

726.200(g) “RSD”	Changed cross-reference format to “Appendix E of this Part”
726.200(g) “toxicity equivalence”	Changed cross-reference format to “Appendix I of this Part”
728 Table of contents	Corrected heading for Section 728.139 to agree with the federal text
728.102 “halogenated organic compounds”	Changed cross-reference format to “Appendix C of this Part”
728.102 “inorganic metal-bearing waste”	Changed cross-reference format to “Appendix K of this Part”
728.102 “land disposal”	Added “‘land disposal;’” removed comma from two-element series; added comma to offset final element of a series
728.102 “USEPA”	Moved the alternative defined term “‘U.S. EPA’”
728.109(d)(2)	Removed unnecessary opening parenthesis mark
728.139	Corrected the Section heading to agree with the federal text
728.139(c)	Deleted past effective date
728.139(e)	Replaced expired provision with explanatory language
728.139(g)	Changed “must” to “shall”
728.140(e)	Changed “nonhazardous” to “non-hazardous”
728.150(a)(1)	Added a comma to offset final element of a series (twice); changed “who” to “that;” changed “who” to “which;” changed “must” to “shall”
728.150(a)(2)	Added a comma to offset final element of a series (three times); corrected spelling of “containment”
728.150(a)(3)	Added ending period
728.150(b)	Added a comma to offset final element of a series (twice)
728.150(c)	Added a comma to offset final element of a series (twice)
728.150(f)	Deleted “above” from and added “of this Section” to cross-reference
728.Table T “F027”	Corrected spelling of “containing”
728.Table T “F037”	Added a comma to offset the final element of a series (twice); corrected spelling of aggressive (twice)
728.Table T “F038”	Added a comma to offset the final element of a series (twice); corrected spelling of aggressive (twice)
728.Table T “K156”	Deleted parenthetical statement not present in the federal text
728.Table T “K157”	Deleted parenthetical statement not present in the federal text
728.Table T “K158”	Deleted parenthetical statement not present in the federal text
728.Table T footnote 8	Changed “nonhazardous” to “non-hazardous”
728.Table T footnote 9	Changed “nonhazardous” to “non-hazardous”
728.Table T Board note	Updated reference to Code of Federal Regulations and <i>Federal Register</i> citations
728.Table U footnote 6	Changed footnote to reflect that USEPA removed it
728.Table U Board note	Updated reference to Code of Federal Regulations and <i>Federal Register</i> citations

TABLE 3

Revisions to the Text of the Proposed Amendments in Final Adoption

Section Revised	Source(s) of Revision(s)	Revision(s)
702. table of contents	Board	Added "in R99-15"
702.110 "appropriate act and regulations"	Board, JCAR	Changed semicolons to commas (three times); added definite article "the"
702.110 "approved program or approved state"	JCAR	used lower case "state" (twice)
702.110 "CWA"	JCAR	Changed "U.S.C." to "USC"
702.110 "existing hazardous waste management facility"	JCAR	used lower case "federal;" moved restrictive relative clause "that cannot . . . loss," removed em dashes offsetting clause, added "and which are" to complete second restrictive relative clause
702.110 "federal, state, and local approvals or permits necessary to begin physical construction"	JCAR	used lower case "federal"
702.110 "final authorization"	JCAR	used lower case "section"
702.110 "interim authorization"	JCAR	used lower case "section"
702.110 "new injection well"	JCAR, Board	Changed "the UIC program . . . is approved" to "March 3, 1984 . . . State of Illinois;" added Board note citing federal rule and Federal Register notice authorizing the Illinois UIC program
702.110 "on-site"	JCAR	Added comma after "person" to complete parenthetical
702.110 "RCRA"	JCAR	Changed "U.S.C." to "USC"
702.110 "SDWA"	JCAR	Changed "U.S.C." to "USC"
702.110 "state/USEPA agreement"	JCAR	Changed "EPA" to "USEPA;" added comma after "programs" to offset parenthetical
702.110 "storage"	JCAR	Changed "disposed" to "disposed of"
702.110 "transfer facility"	JCAR	Added comma after "facility" to offset parenthetical
702.110 "treatment"	JCAR	Deleted unnecessary comma after "non-hazardous"
702.110 "underground source of drinking water"	JCAR, Board	Moved and modified the "exempted aquifer" language, added "it" to create independent clauses (four times), and restructured for enhanced clarity
702.126(a)(1)	JCAR, Board	Replaced semicolon with a colon; added "either of the following persons"
702.126(a)(1)(B)	JCAR, Board	Capitalized definite article "the;" changed ending punctuation to a semicolon
702.126(d)(1)	JCAR	Corrected to singular "subsection (a) or (b)"
703. table of contents	Board	Added "in R99-15"



703.121(a)(2)	JCAR	Changed ending punctuation to a period
703.121(b)	JCAR, Board, Agency	Added comma before “as provided . . .” to offset parenthetical; added “enforceable documents containing”
703.157(a)	JCAR	Removed unnecessary comma after the word “Part”
703.157(d)	JCAR	Added a comma before the word “unless” to offset parenthetical
703.157(e)	JCAR	Moved ending period to follow parenthetical cross-reference
703.157(f)	JCAR	Deleted words “interim status terminates”
703.157(g)	JCAR	Deleted words “interim status terminates”
703.161(a)	Board, Agency	Subdivided proposed Section, designating former text as subsection (a); added “an enforceable document containing;” changed “comply with” to “imposes;” added “enforceable document containing;” added “or ‘other enforceable document;’ ” added parenthetical “as used in this Part and in 35 Ill. Adm. Code 724 and 725;” moved “or an Agency-approved plan;” added “an order of a court of competent jurisdiction;” added “and which meets the requirements of subsection (b) of this Section”; added “An enforceable document containing alternative requirements . . . (such as . . . 42 USC 9606);” deleted “725.Subpart E”
703.161(b)	Board	Added subsection (b)
703.Subpart C heading	JCAR	Added Subpart heading
703.183(g) Board note	JCAR, Board	Changed “which would correspond with . . .” to “corresponding with . . .”
703.183(h)(6)	JCAR	Changed ending punctuation to a semicolon
703.183(t)	JCAR	Removed ending conjunction “and”
703.183(u)	Board	Added ending conjunction “and”
703.214	JCAR, Agency, Board	Changed to singular “Section;” changed “alternative requirements” to “an alternative authority is used in lieu of a post-closure permit”
703.300	Board	Changed “this Subpart H of this Part” to “this Subpart H”
703.301(a)(2)	JCAR	Changed “this Subpart H of this Part” to “this Subpart H”
703.301(a)(4)(A)	JCAR	Changed “this Subpart H of this Part” to “this Subpart H”
703.301(a)(4)(B)	JCAR	Changed “this Subpart H of this Part” to “this Subpart H”

703.301(b)(1)	JCAR, Board	Changed “either obtain” to “obtain either of the following”
703.301(b)(1)(B)	JCAR, Agency	Changed “this Subpart H of this Part” to “this Subpart H”
703.301(b)(2)	JCAR, Agency	Changed “this Subpart H of this Part” to “this Subpart H”
703.301(b)(3)	JCAR, Agency, Board	Changed “this Subpart H of this Part” to “this Subpart H;” moved the adverb “however” to beginning of the sentence; changed semicolon to a period to split a runon sentence; added conjunction “or” before the word “terminated” (twice); added a comma before the word “according” to offset parenthetical (four times); changed commas to semicolons to separate elements of a series containing commas (twice); added “it will be” (twice); changed “and” to “or;” added “the permit will”
703.302(a)	JCAR, Agency	Changed “this Subpart H of this Part” to “this Subpart H”
703.302(c)	JCAR	Deleted “Sec.,” added “35” (twice)
703.302(d)(5)(C)	JCAR	Changed “disposed” to “disposed of”
703.302(d)(6)(C)	JCAR, Board	Added comma before the word “including” to offset a parenthetical; added a comma to offset the final element of a series; changed “LDR standards” to “land disposal restrictions”
703.302(d)(9)	JCAR, Agency	Changed “this Subpart H of this Part” to “this Subpart H;” deleted “adequately”
703.302(e)	JCAR, Agency	Changed “this Subpart H of this Part” to “this Subpart H;” changed “an owner or operator” to “the owner or operator;” added comma before “as provided . . .” to offset parenthetical; added space after “120.201”
703.303(a)(1)	JCAR, Agency	Changed “this Subpart H of this Part” to “this Subpart H”
703.303(a)(2)	JCAR	Changed “Subpart H of this Part” to “this Subpart H”
703.303(b)(2)(D)	Agency	Deleted “adequately”
703.303(d)(3)(D)	JCAR	Added a comma to offset the final element of a series
703.303(d)(3)(E)	JCAR	Used capitalized “Section”
703.303(d)(3)(F)	JCAR	Added a comma to offset the final element of a series
703.303(d)(3)(I)	JCAR	Used capitalized “Agency”

703.303(d)(4)(B)	JCAR	Added a comma to offset the final element of a series
703.303(e)(2)	JCAR	Changed “Section 703.303(b)” to “subsection (b) of this Section”
703.303(e)(3)	JCAR	Changed “Section 703.303(b)” to “subsection (b) of this Section”
703.303(e)(4)	JCAR	Changed “this Subpart H of this Part” to “this Subpart H”
703.303(e)(5)	JCAR	Changed “Section 703.303(f)” to “subsection (f) of this Section”
703.303(e)(6)	JCAR	Changed “Section 703.303(c)(2)” to “subsection (c)(2) of this Section”
703.303(f)(1)	JCAR	Offset lengthy disjunctive clause “or any participant . . . draft RAP” with commas; changed “Section 703.303(d)” to “subsection (d) of this Section”
703.303(f)(1)(C)	JCAR	Changed “Section 703.303(d)(3)” to “subsection (d)(3) of this Section”
703.303(g)	JCAR	Added a comma before the word “unless” to offset a parenthetical
703.303(g)(2)	JCAR	Changed “Section 703.303(f)” to “subsection (f) of this Section;” changed “Section 703.303(f)” to “subsection (f)”
703.304(a)	JCAR, Board	Changed “future modifications, revocations and reissuance, or terminations of the RAP” to “any future modification, revocation and reissuance, or termination of the RAP”
703.304(b)(2)	JCAR	Used capitalized “Section”
703.304(c)(1)	JCAR	Changed “Section 703.304(b)(1)(E) through (b)(1)(H)” to “subsections (b)(1)(E) through (b)(1)(H) of this Section”
703.304(d)	JCAR	Removed unnecessary comma after “initiative” separating a two-element series; changed “Section 703.304(b)(1)(E) through (b)(1)(G)” to “subsections (b)(1)(E) through (b)(1)(G) of this Section”
703.304(e)(1)	JCAR	Offset lengthy disjunctive clause “or any person . . . these actions” with commas
703.304(e)(2)	JCAR	Offset lengthy disjunctive clause “or any person . . . these actions” with commas
703.304(e)(3)(C)	JCAR	Changed “letter” to “petition”
703.304(g)	JCAR	Changed “this Subpart H of this Part” to “this Subpart H”

703.304(h)	JCAR	Changed “owner’s or operator’s” to “owner or operator”
703.305 Section heading	JCAR	Changed “an RAP” to “a RAP”
703.305(b)	JCAR	Changed “this Subpart H of this Part” to “this Subpart H”
703.305(b)(4)	JCAR	Added closing parenthesis mark
703.305(c)(2)	JCAR, Board	Changed “of” to “after;” added the word “former”
703.306(c)	JCAR	Changed “this Subpart H of this Part” to “this Subpart H”
703.306(d)(4)	JCAR	Corrected “Section 7903.183(k)” to “Section 703.183(k);” changed ending punctuation to a period
703.Appendix A ¶ G.5.b.	JCAR	Changed “management practices, tank design” to “management practices or tank design;” added a comma before the final element of a series
703.Appendix A ¶ H.6.	JCAR	Added a comma before the final element of a series
703.Appendix A ¶ J.3.	Board	Corrected “run-off” to “runoff”
703.Appendix A ¶ J.4.	Board	Corrected “run-off” to “runoff”
703.Appendix A ¶ J.7.	JCAR	Added a comma before the final element of a series
703.Appendix A ¶ K.2.	Board	Corrected “run-on” to “runon”
703.Appendix A ¶ K.3.	Board	Corrected “run-off” to “runoff”
703.Appendix A ¶ K.10.	JCAR, Board	Changed “resulting” to “that result;” added the conjunction “or;” added preposition “which” to complete subsequent restrictive relative clause
703.Appendix A ¶ K.11.	JCAR, Board	Added the conjunction “or;” deleted an unnecessary comma separating a two-element series; changed “that” to “which” for a subsequent restrictive relative clause
703.Appendix A ¶ L.3.	JCAR, Board	Changed commas to semicolons to separate elements of a series containing a sub-series (twice); added a semicolon to separate the last element of the series
703.Appendix A ¶ L.5.a.	Board	Added missing space before the word “oxygen”
703.Appendix A ¶ L.9.	JCAR	Changed “35 Ill. Adm. Code 703.280(j)” to “Section 703.280(j)”
720. table of contents	JCAR	Added “in R99-15”
720.110 “Act”	JCAR	Changed “U.S.C.” to “USC”
720.110 “ancillary equipment”	JCAR	Added a comma after the word “device” to offset a parenthetical; added a comma to separate the final element of a series
720.110 “boiler”	JCAR	Deleted an unnecessary comma separating a two-element series
720.110 “drip pad”	Board	Corrected “run-on” to “runon”

720.110 “EPA identification number”	JCAR, Board	Changed a comma to a semicolon, added a semicolon to separate the elements of a series containing a sub-series
720.110 “EPA region”	JCAR	Added a comma to separate the final element of a series (ten times)
720.110 “existing hazardous waste facility”	JCAR	Replaced em-dashes with commas (twice)
720.110 “existing tank system”	JCAR, Board	Changed “that” to “which” for subsequent restrictive relative clause; removed unnecessary comma separating a two-element series; used capitalized “State;” added “of the following is true;” added colon; replaced em-dashes with commas (twice)
720.110 “explosives of munitions emergency response”	Board	Changed “and/or” to “or”
720.110 “explosives of munitions emergency response specialist”	JCAR	Used capitalized “State”
720.110 “federal agency”	JCAR	Added a comma to separate the final element of a series; added a comma before the word “including” to offset a parenthetical
720.110 “food chain crops”	JCAR	Added a comma to separate the final element of a series
720.110 “hazardous waste management unit”	JCAR	Added a comma to separate the final element of a series
720.110 “industrial furnace”	JCAR, Board	Added a comma to separate the final element of a series (twice)
720.110 “management”	JCAR	Added a comma to separate the final element of a series
720.110 “miscellaneous unit”	JCAR	Changed a comma to a semicolon to separate the elements of a series containing a subseries (twice)
720.110 “partial closure”	JCAR	Added a comma to separate the final element of a series
720.110 “person”	JCAR	Added a comma to separate the final element of a series
720.110 “pesticide” & Board note	JCAR	Used lower case “section” (four times); changed “U.S.C.” to “USC” (three times); deleted section symbol “§” (three times); added comma after “720.111” to offset a parenthetical
720.110 “point source”	JCAR	Added a comma to separate the final element of a series; added a comma before the word “including” to offset a parenthetical

720.110 “qualified groundwater scientist” & Board note	JCAR	Corrected the spelling of the word “rate;” corrected the reference to “35 Ill. Adm. Code 325;” changed “ground water” to “groundwater”
720.110 “regional administrator”	JCAR	changed “EPA” to “USEPA”
720.110 “state”	JCAR	Added a comma to separate the final element of a series
720.110 “sump”	JCAR	Added a comma to separate the final element of a series
720.110 “surface impoundment”	JCAR	Added a comma to separate the final element of a series
720.110 “tank”	Board, JCAR	Changed “that” to “which”
720.110 “thermal treatment”	JCAR	Added a comma to separate the final element of a series
720.110 “transfer facility”	JCAR	Added a comma before the word “including” to offset a parenthetical; added a comma to separate the final element of a series
720.110 “treatability study”	JCAR	Removed an unnecessary conjunction “or” and comma; added a comma to separate the final element of a series
720.110 “treatment”	JCAR, Board	Removed an unnecessary conjunction “or;” added a comma to separate the final element of a series
720.110 “underground injection”	JCAR, Board	Removed an unnecessary semicolon separating a two-element series
720.110 “unfit-for-use tank system”	JCAR	Added commas before and after “through . . . inspection” to offset a parenthetical
720.110 “United States”	JCAR	Added a comma to separate the final element of a series
720.111(a) “NTIS” “generic quality . . .”	JCAR	Removed period at end of text, moved period form within to outside closing parenthesis to include parenthetical within sentence
720.111(a) “NTIS” “Methods of Chemical . . .”	JCAR	Removed period at end of text to include parenthetical within sentence
720.111(a) “NTIS” “Methods Manual for Compliance . . .”	JCAR	Removed period at end of text to include parenthetical within sentence
720.111(a) “Petitions to Delist . . .”	JCAR	Removed period at end of text to include parenthetical within sentence
720.111(b) “40 CFR 302.4, . . .”	JCAR	Added a comma to separate the final element of a series
720.111(c)	JCAR, Board	Replaced ampersand with a comma and the conjunction “and”
721. table of contents	Board	Added “in R99-15”
721.102(c)(3)	Board	Added May 11, 1999, federal amendments
721.102(e)(1)(C)	Board	Added May 11, 1999, federal amendments

721.104(a)(4)	JCAR	Changed “U.S.C.” to “USC”
721.104(a)(16)	Board	Added May 11, 1999, federal amendments
721.104(a)(17)	Board	Added May 11, 1999, federal amendments
721.104(a)(17)(D)(ii)	Board	Corrected “run on/run-off” to “runon and runoff”
721.104(a)(17)(E)	Board	Added May 11, 1999, federal amendments
721.104(b)(7)(C)	Board	Added May 11, 1999, federal amendments
721.104(b)(7)(C)(i)	Board	Added May 11, 1999, federal amendments
721.104(b)(15)	JCAR, Board	Changed “disposed” to “disposed of;” changed “provided that” to “under certain circumstances;” added colon; moved text to new subsection (b)(15)(A)
721.104(b)(15)(A)	JCAR, Board	Moved text into text into a new subsection; changed “are” to “must be”
721.104(b)(15)(A)(i)	JCAR, Board	Changed subsection level; changed “disposed” to “disposed of”
721.104(b)(15)(A)(ii)	JCAR, Board	Changed subsection level; changed “disposed” to “disposed of”
721.104(b)(15)(A)(iii)	JCAR, Board	Changed subsection level; corrected “do” to “does;” corrected “are” to “is”
721.104(b)(15)(A)(iv)	JCAR, Board	Changed subsection level; corrected singular “section”
721.104(b)(15)(B)	JCAR, Board	Changed subsection number; changed “this subsection (b)(15) of this Section” to “this subsection (b)(15)”
721.104(g)	JCAR	Added word “section” before “404;” changed “U.S.C.” to “USC”
721.104(g) “dredged material”	JCAR	Changed “same meaning as defined in . . .” to “same meaning as in . . .;” changed ending punctuation to a period
721.104(g) “permit” ¶ 3	JCAR	Changed “Section” to “definition”
721.Appendix Z	Board	Added May 11, 1999, federal amendment
724. table of contents	Board	Added “in R99-15”
724.101(c)	JCAR	Changed “U.S.C.” to “USC”
724.101(g)(8)(B)	JCAR	Changed “724.Subparts C and D” to “Subparts C and D of this Part”
724.101(g)(8)(D)	JCAR, Agency	Changed to capitalized “State;” deleted “adequately”
724.101(j)(2)	JCAR	Changed “which” to “that”
724.101(j)(7)	JCAR	Changed “demonstration” to “requirements”
724.101(j)(10)	JCAR	Added a comma after the word “from” to offset parenthetical; added “occurs;” changed “which” to “that”
724.173(b)(15)	JCAR	Removed ending conjunction “and”

724.173(b)(16)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction “and”
724.190(b)(1)	JCAR	Deleted comma after ending conjunction “or”
724.190(b)(2)(C)	Board	Corrected “run-on” to “runon;” corrected “run-off” to “runoff”
724.190(b)(2)(F)	JCAR	Changed ending punctuation to a period; deleted ending conjunction “and”
724.190(b)(2)(G)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction “and”
724.190(b)(4)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction “and”
724.190(c)	JCAR, Agency, Board	Added “following is true of the applicability of the;” changed “Board order or Agency permit establishing” to “enforceable document containing” as in the federal original; changed ending punctuation to a colon
724.190(e)	Agency, Board	Added “or other enforceable document;” added sentence in the federal original relating to “when the Agency . . . enforceable document;” removed sentence “No alternative requirements . . . facility permit;” removed explanatory Board note
724.190(f)	Board, Agency	Changed “the Board will . . . other enforceable document alternative requirements” to “A permit or enforceable document can contain . . .;” deleted “adequately”
724.201(a)	Agency	Changed “correction” to “corrective;” deleted “adequately”
724.201(c)	Agency	Deleted “adequately”
724.210(b)(2)	JCAR	Changed “these Sections” to “Sections 724.216 through 724.220”
724.210(b)(4)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction “and”
724.210(c)	JCAR	Changed “The Board will . . . alternative requirements that” to “A permit or enforceable document can contain . . .;” added language appearing in the federal original “with alternative requirements . . . enforceable document”
724.210(c)(2)	Agency	Deleted “adequately”
724.212(b)(1)	JCAR	Added ending conjunction “and”
724.212(b)(5)	Board	Corrected “run-on” to “runon;” corrected “run-off” to “runoff”
724.212(b)(6)	JCAR	Removed period after the word “closure;” added ending semicolon and conjunction “and”



724.212(b)(7)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction “and”
724.212(b)(8)	Board, Agency	Changed to singular “a facility;” removed “by the Board or Agency;” corrected reference to “724.210(c);” changed “Board order or Agency permit establishing” to “enforceable document containing” as in the federal original
724.212(c)(2)(D)	JCAR, Agency, Board	Changed to singular “Section;” changed “Board or Agency to establish” to “establishment of”
724.212(c)(3)	JCAR	Changed to singular “Section”
724.212(d)(2)(A)	JCAR	Changed ending punctuation to a semicolon; used lower case “or;” deleted ending comma after the conjunction
724.212(d)(3)	JCAR, Board	Removed unnecessary comma after the word “ordered”
724.218(a)	JCAR	Changed to singular “Section”
724.218(b)(1)	JCAR	Changed ending punctuation to a period
724.218(b)(4)	Board, Agency	Changed “the Board . . . alternative requirements” to “alternative requirements are established;” corrected reference to “724.210(c);” changed “Board order or Agency permit establishing” to “enforceable document containing” as in the federal original
724.218(d)(2)(C)	JCAR	Changed “which” to “that”
724.218(d)(2)(D)	JCAR	Changed to singular “Section;” changed “Board or Agency to establish” to “establishment of”
724.218(d)(3)	JCAR	Changed to singular “Section”
724.218(d)(4)	JCAR	Added a comma to separate the final element of a series
724.240(a)	JCAR	Added a comma to separate the final element of a series
724.240(b)(2)	JCAR	Changed “these Sections” to “Sections 724.244 through 724.245”
724.240(c)	JCAR	Changed to lower case “federal”
724.240(d)	JCAR, Board, Agency	Changed “the Board will . . . other enforceable document alternative requirements” to “A permit or enforceable document can contain . . .;” changed “Subpart H” to “this Subpart H;” added “or Agency”
724.240(d)(1)	JCAR	Added “or Agency;” changed “Section 724.190(f) or Section 724.210(d)” to “Section 724.190(f) or 724.210(d)”

724.240(d)(2)	JCAR	Added “or Agency;” changed “Subpart H” to “this Subpart H”
724.240(d)(2)	Agency	Deleted “adequately”
724.652(a)	JCAR	Changed lowed-cased “section”
724.652(e)(4)(A)(ii)	Agency	Deleted proposed addition of “adequately”
724.652(e)(4)(C)	JCAR	Corrected “this subsection” to “this subsection (c)”
724.652(e)(4)(D)	JCAR	Deleted unnecessary comma after the word “monitoring;” deleted “adequately”
724.653(a)	Agency	Deleted “adequately”
724.654(a)	JCAR, Agency	Changed “in according to” to “in accordance with”
724.654(c)(2)	JCAR, Agency	Changed “certification . . . for” to “certification . . . of;” deleted “adequately”
724.654(c)(3)	Agency	Deleted “adequately”
724.654(d)(1)(B)	Board, Agency	Corrected “run-on/run-off” to “runon and runoff;” deleted “adequately”
724.654(d)(1)(C)	JCAR	Deleted parenthetical “(entitled . . .);” removed a comma after the word “limit” separating a two-element series; removed a comma after the word “order” separating a prepositional phrase; added a comma after the word “limit” to offset a parenthetical
724.654(d)(2)(F)	JCAR	Changed ending punctuation to a period
724.654(e)(1)	JCAR	Added a comma after the word “rendered” to separate the final element of a series
724.654(h)	JCAR, Agency	Corrected “redemption” to “remediation”
724.654(j)(2)	Agency	Deleted “adequately”
724.654(l)	Agency	Corrected “a existing” to “an existing”
725. table of contents	Board	Removed amendments to Section 725.328 heading; added “in R99-15”
725.101(b)	JCAR	Changed “U.S.C.” to “USC”
725.101(c)(1)	JCAR	Changed “U.S.C.” to “USC” (twice)
725.101(c)(6)	JCAR	Changed to singular “35 Ill. Adm. Code 726.Subpart C, F, G, or H”
725.101(c)(11)(D)	Agency	Deleted proposed added “adequately”
725.101(f)(2)	Agency	Deleted “adequately”
725.101(g)	Agency	Corrected “apply a person” to “apply to a person”
725.190(d)(1)	JCAR	Changed ending punctuation to a semicolon
725.190(f)	Board	Changed “the Board will . . . other enforceable document alternative requirements” to “A permit or enforceable document can contain . . .”
725.210(b)(2)	JCAR	Changed to singular “Section”

725.210(c)	JCAR	Changed “alternative requirements” to “in an enforceable document” as in the federal original
725.210(d)	Agency, Board	Changed “The Board will . . . alternative requirements that” to “A permit or enforceable document can contain . . .”
725.210(d)(1)	JCAR	Changed ending punctuation to a semicolon
725.210(d)(2)	Agency	Deleted “adequately”
725.212(b)(5)	Board	Corrected “run-on” to “runon;” corrected “run-off” to “runoff”
725.212(b)(7)	JCAR	Changed to singular “Section”
725.212(b)(8)	Board, Agency	Changed “the Board . . . alternative requirements” to “alternative requirements are established;” changed “Board order or Agency permit establishing” to “enforceable document containing” as in the federal original
725.212(c)(1)(D)	JCAR	Changed to singular “Section;” changed “Board or Agency to establish” to “establishment of”
725.212(c)(4)	JCAR	Changed “of” to “after”
725.218(c)(1)	JCAR	Changed ending punctuation to a period
725.218(c)(5)	Board, Agency, JCAR	Changed “the Board . . . alternative requirements” to “alternative requirements are established;” changed “Board order or Agency permit establishing” to “enforceable document containing” as in the federal original; changed ending punctuation to a period
725.218(d)(1)(B)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction “and”
725.218(d)(1)(C)	JCAR	Changed to singular “Section;” changed “Board or Agency to establish” to “establishment of”
725.218(d)(3)	JCAR	Changed to singular “Section”
725.218(g)(1)(A)(ii)	JCAR	Removed unnecessary period before parenthetical
725.218(g)(2)(A)	JCAR	Changed “of” to “after”
725.221(a)	JCAR, Board	Changed “for which the Board or Agency has established alternative requirements;” to “but which obtain an enforceable document in lieu of a post-closure permit” as in the federal original
725.221(b)(1)	Board, Agency	Changed “which” to “that;” changed “as such are provided” to “as provided”
725.221(b)(1)(A)	JCAR, Agency, Board	Added “in an enforceable document in lieu of a permit;” changed “which” to “that;” changed “as such are provided” to “as provided”
725.221(b)(1)(A)(i)	JCAR	Changed to plural “Sections;” changed ampersand to conjunction “and”
725.221(b)(1)(A)(iii)	JCAR	Changed 35-38 to “35 through 38”

725.221(b)(1)(A)(iv)	Board	Deleted “cease and desist;” changed statutory citation from “Section 33(c)” to “Section 33(a)”
725.221(b)(1)(B)	Board, Agency	Changed “35 Ill. Adm. Code 740 or 742” to “an appropriate statutory or regulatory authority;” added “as follows” and ending colon
725.221(b)(1)(B)(i)	Agency, Board	Added federal text previously deleted, with minor modifications
725.221(b)(1)(B)(ii)	Agency, Board	Added federal text previously deleted, with minor modifications
725.221(b)(1)(B)(iii)	Agency, Board	Added federal text previously deleted
725.221(b)(1)(C)	Agency, Board	Added federal text previously deleted, with minor modifications
725.221(b)(2)	Agency, Board	Moved text from subsection (b)(1)(B)(i); changed citation to subsection (b)(2) to (b)(1)(B); removed unnecessary comma
725.221(b)(3)	Agency, Board	Moved text from subsection (b)(1)(B)(ii); corrected reference to “subsection (b)(1)(B)”
725.240(b)	JCAR, Board	Changed to plural “Sections;” added “any of the following
725.240(b)(1)	Board	Deleted ending conjunction “or”
725.240(b)(3)	JCAR	Added the word “Section” to correct cross-reference format
725.240(d)	Board, Agency	Changed “the Board will . . . other enforceable document alternative requirements” to “A permit or enforceable document can contain . . .;” added “or Agency”
725.240(d)(1)	Board, Agency	Added “or Agency”
725.240(d)(2)	Board, Agency	Added “or Agency;” removed “adequately”
726. table of contents	Board	Added “in R99-15”
726.180(a)(2)	JCAR	Changed “is subject” to “are subject” in column four
726.180(a)(3)	JCAR	Added “notification requirements at” in column three; changed comma to conjunction “and;” removed “a notification requirements” in column four
726.180(a)(4)	JCAR	Changed comma to conjunction “and;” corrected “262.11” to “722.111” in column four
726.180(a)(5)	JCAR	Changed comma to conjunction “and” in column four;” corrected “262.11” to “722.111” in column four
726.180(b)(1)(A)	JCAR	Changed ending punctuation to a period

726.180(b)(1)(F)	JCAR, Agency	Corrected spelling of “Subparts”
726.180(b)(2)	JCAR	Changed to lower-cased “permitted facility;” added a comma after the word “facility”
726.180(b)(2)(C)	JCAR	Added missing second closing parenthesis mark
726.180(b)(2)(E)	JCAR	Added missing second closing parenthesis mark
726.200(c)(3)(A)(i)	JCAR	Corrected “less that” to “less than”
726.200(c)(3)(B)	JCAR	Removed “of this Part” (twice)
726.200(g) “one hour block average”	JCAR	Added ending period
728. table of contents	JCAR	Added “in R99-15”
728.102 “hazardous debris”	Board	Added May 11, 1999, federal amendments
728.102 “inorganic solid debris”	Board, Agency	Deleted a definition that USEPA amended to “debris” on August 18, 1992 (at 58 Fed. Reg. 37270), which the Board should have deleted on September 23, 1993 in docket R93-4
728.102 “soil”	Board, JCAR	Added May 11, 1999, federal amendments
728.107(b)(3)(B) ¶6	Board	Added May 11, 1999, federal amendments
728.107(b)(4)(D) & certification	Board	Added May 11, 1999, federal amendments
728.109(d)(2)	Board	Added May 11, 1999, federal amendments
728.140(a)	Board, Agency	Changed “Section” to “Table”
728.140(a)(1)	Agency	Changed “that Section” to “Table T of this Part”
728.140(a)(2)	Agency	Changed “that Section” to “Table T of this Part”
728.140(a)(3)	Agency	Changed “that Section” to “Table T of this Part”
728.140(e)	Agency	Corrected references to “728.102” (twice)
728.140(i)	Board	Added May 11, 1999, federal amendments
728.149(c)(3)(A)	Board	Added May 11, 1999, federal amendments
728.149(c)(3)(B)	Board	Used plural “methods”
728.150(a)(2)	Board, JCAR	Changed ending punctuation to a colon, added “each of the following conditions are fulfilled”
728.150(a)(2)(A)	Board, JCAR	Added ending conjunction “and”
728.150(d)	Agency	Added missing closing parenthesis mark
728.150(f)	Agency	Deleted the last sentence, since Section 728.132 to which it refers was repealed on August 20, 1998, in docket R97-21/R98-3/R98-5
728.Table I ¶1	Board	Added May 11, 1999, federal amendments
728.Table I ¶3	Board	Added May 11, 1999, federal amendments
728.Table I ¶8	Board	Added May 11, 1999, federal amendments
728.Table T “K088”	Board	Added May 11, 1999, federal amendments to “barium,” “nickel,” and “fluoride” reversing amendments of September 24, 1998

728.Table T “K156”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table T “K159”	Board	Added May 11, 1999, federal amendments withdrawing amendments of September 24, 1998
728.Table T “P194”	Board	Added May 11, 1999, federal amendments withdrawing an amendment of September 24, 1998
728.Table T “U404”	Board	Added May 11, 1999, federal amendment
728.Table U “aldicarb sulfone”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “barban”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “bendiocarb”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “benomyl”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “butylate”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “carbaryl”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “carbenzadim”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “carbofuran”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “carbofuran phenol”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “carbosulfan”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “dithiocarbamates”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “EPTC”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U “formetanate hydrochloride”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “methiocarb”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “methomyl”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “metolcarb”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “mexacarbate”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “molinate”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “oxamyl”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “pebulate”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “physostigmine”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “physostigmine salicylate”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “promecarb”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “propham”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “propoxur”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “prosulfocarb”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U “thiodicarb”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “thiophanate-methyl”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “triallate”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “triethylamine”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U “vernolate”	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U note 6	Board	Added May 11, 1999, federal amendment restoring text deleted in an amendment of September 24, 1998
733. table of contents	Board	Added “in R99-15”
733.106 “FIFRA”	JCAR	Changed “U.S.C.” to “USC;” deleted section symbols “§§;” changed “136-136y” to “136 through 136y”
733.106 “Pesticide” & Board note	JCAR	Changed “U.S.C.” to “USC;” deleted section symbol “§” (three times)
733.106 “universal waste transfer facility”	JCAR	Added a comma to separate the final element of a series

TABLE 4

Requested Revisions to the Text of the Proposed Amendments Not Made in Final Adoption

Section Affected	Source(s) of Request: Requested Revision(s)	Explanation
702.110 “appropriate act and regulations”	JCAR: capitalize “act;” change comma to semi-colon	The word “act” is not used as a proper noun; a comma is the appropriate punctuation throughout this definition (see the revisions to this definition listed in the previous table)
702.126(d)(2)	JCAR: Add pronoun “my” to phrase “upon information and belief”	This is a phrase of art predicated on the fact that the pertinent facts are not directly known to the person making the certification



702.126(d)(2)	Agency: Change “upon information and belief” to “to the best of my information”	The phrase of art is as it appears in the federal original at 40 CFR 270.11(d)(2)
703.161	Agency: Add a Board note that explains the need for prior USEPA approval of any authority used to grant alternative requirements	The authority of any agency of the State of Illinois to issue any document containing alternative requirements derives from Illinois and not federal law. No federal regulation requires prior USEPA approval of State of Illinois authorities to issue such documents
703.301(b)(3)	Agency: change “when it expires” to “expired”	The federal language taken directly from 40 CFR 270.85(c) is more correct in the context of this sentence
703.303(e)(6)	JCAR: change “which” to “that”	“Which” is the appropriate pronoun for a subsequent restrictive relative clause
703.304(e)(2)	JCAR: change “which” to “that”	“Which” is the appropriate pronoun for a subsequent restrictive relative clause
720.110 “military munition”	JCAR: move comma to change “. . . charges, and devices and components of these items and devices” to “. . . charges and devices, and components of these items and devices”	The existing text reflects the federal original of 40 C.F.R. 260.10, and moving the comma could alter the meaning or interpretation of the text
720.110 “runoff”	JCAR: hyphenate term to “run-off”	The dictionary indicates the word without a hyphen
720.110 “runon”	JCAR: hyphenate term to “run-on”	Hyphenation would render the word inconsistent with the word “runoff”
720.110 “USEPA”	JCAR: delete “U.S. EPA”	The defined term “U.S. EPA” still exists in numerous segments of the rules because the Board has not completed substitution of “USEPA” for the term
724.190(f)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
724.210(c)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)

724.218(d)(2)(D)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
724.240(d)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
724.654(a)	JCAR: change “which” to “that”	“Which” is the appropriate pronoun for a subsequent restrictive relative clause
725.190(f)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
725.210(c)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
725.210(c)	JCAR: change “which” to “that”	“Which” is the appropriate pronoun for a subsequent restrictive relative clause
725.212(c)(1)(D)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
725.218(d)(1)(C)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
725.221	Agency: change the Section heading to read “Post-Closure Care Requirements for Facilities that Obtain Enforceable Documents in Lieu of Post-Closure Care Permits”	The suggested Section heading is too lengthy, and although less fully descriptive of the content of the Section, the chosen abbreviated heading “Alternative Post-Closure Care Requirements” is not inaccurate or misleading

725.221(b)	Agency: remove the subsection (b), (b)(1), and (b)(2) headings and renumber all subsections up two levels and render subsection (b)(2) as subsection (b)	The proposed structure follows the federal structure, except that Illinois Administrative Code codification regulations required the addition of the subsection headings, the Agency has presented no reason for such a radical restructuring, and the suggested restructuring would result in a duplicate subsection (b)
725.221(b)(1)(A)	Agency: add “or court of competent jurisdiction”	This provision relates to public notice when establishing alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
725.221(b)(1)(A)	Agency: add “or court of competent jurisdiction”	This provision relates to public notice when establishing alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
725.221(b)(1)(B)	Agency: delete subsection	This provision imposes the requirement of 40 CFR 265.221(b)(1) that the Agency provide for public comment
725.221(b)(1)(B)(i)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
725.221(b)(1)(B)(ii)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
725.240(d)	Agency: add “or court of competent jurisdiction”	This provision authorizes the establishment of alternative requirements; Illinois courts do not derive any authority from the Board (see amendments to Section 703.161)
726.180(b)(1)(G)	JCAR: overstrike former subsection designation “4”	Correction not necessary, as it is overstruck in the original
726.200(g) “cu m”	JCAR: remove “cu m”	The defined term appears in five separate Sections of Part 726, so removal is not possible until those appearances are modified to read “m <sup>3</sup> ”

728.102 “USEPA”	JCAR: remove “or ‘U.S. EPA’”	The defined term appears in several Sections of Subtitle G, so removal is not possible until those appearances are modified to read “USEPA”
728.140(a)	Agency: add reference to “Table C of this Part”	Table C derives from 40 C.F.R. 268.42, table 1, not from the table to 40 C.F.R. 268.40(a)
728.140(a)	Agency: change “Table T of this Part identifies . . . requirements” to “one of three types . . . are identified as follows”	This shift to the passive voice does not enhance the clarity of this provision
728.140(a)(1)	Agency: delete “(‘total waste standards’)”	This language appears in the federal language at 40 C.F.R. 268.40(a)(1), and deleting it does not enhance the clarity of this provision
728.140(a)(2)	Agency: delete “(‘waste extract standards’)”	This language appears in the federal language at 40 C.F.R. 268.40(a)(2), and deleting it does not enhance the clarity of this provision
728.140(a)(3)	Agency: delete “(‘technology standard’)”	This language appears in the federal language at 40 C.F.R. 268.40(a)(3), and deleting it does not enhance the clarity of this provision
728.150(a)(1)	JCAR: change “which” to “that”	“Which” is the appropriate pronoun for a subsequent restrictive relative clause

HISTORY OF RCRA SUBTITLE C AND UIC ADOPTION  
AGENCY OR BOARD ACTION  
EDITORIAL CONVENTIONS

The Board appends the following three discussions to this opinion. The first is a summary history of the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C and Underground Injection Control (UIC) programs. It lists all Board actions taken to adopt and maintain these programs since their inceptions. It includes a listing of all site-specific rulemaking and adjusted standards proceedings filed that relate to these programs. It also lists all USEPA program authorizations issued to date. The second is a discussion of how the Board codifies requirements that call for state determinations, such as exemptions or exceptions. The third discussion relates to our use of language in the codification of identical-in-substance rules. We intend these as reference aids for interested persons in the regulated community.

### History of RCRA Subtitle C and UIC Adoption

The Illinois UIC and RCRA Subtitle C regulations, together with more stringent state regulations particularly applicable to hazardous waste, include the following Parts of Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code):

700	Outline of Waste Disposal Regulations (Repealed)
702	RCRA Subtitle C and UIC Permit Programs
703	RCRA Subtitle C Permit Program
704	UIC Permit Program
705	Procedures for Permit Issuance
709	Wastestream Authorizations
720	General
721	Identification and Listing
722	Generator Standards
723	Transporter Standards
724	Final TSD Standards
725	Interim Status TSD Standards
726	Specific Wastes and Management Facilities
728	USEPA Land Disposal Restrictions
729	Landfills: Prohibited Wastes
730	UIC Operating Requirements
731	Underground Storage Tanks
732	Petroleum Underground Storage Tanks
733	Standards for Universal Waste Management
738	Hazardous Waste Injection Restrictions
739	Standards for the Management of Used Oil

Special provisions for RCRA Subtitle C cases are included in Parts 102, 103, 104, and 106 of the Board's procedural rules (35 Ill. Adm. Code 102, 103, 104, and 106).

### History of RCRA Subtitle C and State Hazardous Waste Rules Adoption

The Board has adopted and amended the Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules in several dockets. The dockets captioned Proposed Regulations for "RCRA" (Chapter 7 and Chapter 9) (September 16, 1981, and February 4, 1982), R81-22, and Amendments to Phase I, RCRA Rules (January 13, 1983), R82-18, dealt with the Phase I RCRA Subtitle C regulations. The Board adopted RCRA Subtitle C Phase II regulations in Parts 703 and 724 in dockets Phase II, RCRA Rules (July 26, 1983), R82-19, and Technical Correction to Phase II RCRA Rules (December 15, 1983), R83-24. USEPA reviewed and authorized the Illinois Phase I and Phase II regulations. The entire listing of all RCRA Subtitle C identical-in-substance rulemakings follows. A listing of federal authorizations of the Illinois program to date, as noticed in the *Federal Register*, appears at the end of this historical summary of the Illinois hazardous waste program.

- R81-22      Proposed Regulations for “RCRA” (Chapter 7 and Chapter 9) (September 16, 1981, and February 4, 1982), R81-22; published at 6 Ill. Reg. 4828, April 23, 1982, effective May 17, 1982. (Federal rules and amendments adopted by USEPA during the period May 18, 1980, through October 1, 1981)
- R82-18      Amendments to Phase I, RCRA Rules (January 13, 1983), R82-18; published at 7 Ill. Reg. 2518, March 4, 1983, effective May 17, 1982. (Federal rules and amendments adopted by USEPA during the period November 11, 1981, through June 24, 1982)
- R82-19<sup>4</sup>      Phase II, RCRA Rules (July 26, 1983), R82-19; published at 7 Ill. Reg. 13999, October 28, 1983, effective October 2, 1983. (Federal rules and amendments adopted by USEPA during the period November 23, 1981, through October 29, 1982)
- R83-24<sup>1</sup>      Technical Correction to Phase II RCRA Rules (December 15, 1983), R83-24; published at 8 Ill. Reg. 200 (January 6, 1984), effective December 27, 1983. (Corrections to the docket R82-19 rules)
- R84-9      RCRA and UIC Update (June 13 and 27, 1985), R84-9; published at 9 Ill. Reg. 11964 (August 2, 1985), effective July 8 and 24, 1985. (Federal rules and amendments adopted by USEPA during the period January 19, 1983, through April 24, 1984)
- R85-22      RCRA Update (April 24, 1984, through June 30, 1985) (December 20, 1985, and January 9, 1986), R85-22; 10 Ill. Reg. 968 (January 17, 1986), effective January 2, 1986.
- R86-1      RCRA Update, USEPA Regulations (July 1, 1985, through December 31, 1985) (July 11, 1986), R86-1; published at 10 Ill. Reg. 13998 (August 22, 1986), effective August 12, 1986.
- R86-19      RCRA Update (February 1, 1986, through March 31, 1986) (October 23, 1986, R86-19; published at 10 Ill. Reg. 20630 (December 12, 1986), effective December 2, 1986.
- R86-28      RCRA Update (April 1, 1986, through June 30, 1986) (February 5, 1987; amended March 5, 1987; corrected April 16, 1987), R86-28; published at 11 Ill. Reg. 6017 (April 3, 1987), effective March 23, 1987; correction published at 11 Ill. Reg. 8684 (May 1, 1987), effective April 21, 1987.

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<sup>1</sup> On September 6, 1984, the Third District Appellate Court upheld the Board's actions in adopting R82-19 and R83-24. Commonwealth Edison Co. v. PCB, 127 Ill. App. 3d 446; 468 N.E.2d 1339 (3d Dist. 1984).

- R86-46 RCRA Update (July 1, 1986, through September 30, 1986) (July 16, 1987), R86-46; published at 11 Ill. Reg. 13435 (August 14, 1987), effective August 4, 1987.
- R87-5 RCRA Update (October 1, 1986, through December 31, 1986) (October 15, 1987), R87-5; published at 11 Ill. Reg. 19280 (November 30, 1987), effective November 10 and 12, 1987.
- R87-26 RCRA Update (January 1, 1987, through June 30, 1987) (December 3, 1987), R87-26; published at 12 Ill. Reg. 2450 (January 29, 1988), effective January 15, 1988. (1/1/87 through 6/30/87)
- R87-32 Correction to R86-1 (September 4, 1987), R87-32; published at 11 Ill. Reg. 16698 (October 16, 1987), effective September 30, 1987.
- R87-39 RCRA Update, USEPA Regulations (July 1, 1987, through December 31, 1987) (June 16, 1988), R87-39; published at 12 Ill. Reg. 12999 (August 12, 1988), effective July 29, 1988. (7/1/87 through 12/31/87)
- R88-16 RCRA Update, USEPA Regulations (January 1, 1988, through July 31, 1988) (November 17, 1988), R88-16; published at 13 Ill. Reg. 447 (January 13, 1989), effective December 28, 1988.
- R89-1 RCRA Update, USEPA Regulations (August 1, 1988, through December 31, 1988) (September 13, 1989), R89-1; published at 13 Ill. Reg. 18278 (November 27, 1989), effective November 13, 1989.
- R89-9 RCRA Update, USEPA Regulations (January 1, 1989, through June 30, 1989) (March 8, 1990), R89-9; published at 14 Ill. Reg. 6225 (April 27, 1990), effective April 16, 1990.
- R90-2 RCRA Update, USEPA Regulations (July 1, 1989, through December 31, 1989) (July 3, 1990), R90-2; published at 14 Ill. Reg. 14401 (September 7, 1990), effective August 22, 1990.
- R90-11 RCRA Update, USEPA Regulations (April 1, 1990, through June 30, 1990) (April 11, 1991; corrected May 23, 1991; corrected August 8, 1991; uncorrected August 22, 1991), R90-11; published at 15 Ill. Reg. 9323 (June 28, 1991), effective June 17, 1991.
- R90-17 RCRA Delistings (See below)
- R91-1 RCRA Update, USEPA Regulations (July 1, 1990, through December 31, 1990) (August 8, 1991), R91-1; published at 15 Ill. Reg. 14446

- (October 11, 1991), effective September 30, 1991. (Wood Preserving Rules)
- R91-13 RCRA Update, USEPA Regulations (January 1, 1991, through June 30, 1991) (April 9, 1992), R91-13; published at 16 Ill. Reg. 9489 (June 19, 1992), effective June 9, 1992. (Boilers and Industrial Furnace (BIF) Rules)
- R91-26 RCRA Wood Preserving compliance Dates (Identical in Substance Rules) (January 9, 1992); published at 16 Ill. Reg. 2600 (February 14, 1992), effective February 3, 1992. (Wood Preserving Rules Compliance Dates)
- R92-1 RCRA Update, USEPA Regulations (July 1, 1991, through December 31, 1991) (September 17, 1992), R92-1; published at 16 Ill. Reg. 17636 (November 20, 1992), effective November 6, 1992.
- R92-10 RCRA Update, USEPA Regulations (January 1, 1992, through June 30, 1992) (January 21, 1993), R92-10; published at 17 Ill. Reg. 5625 (April 9, 1993), effective March 26, 1993. (Leak Detection System (LDS) Rules)
- R93-4 RCRA Update, USEPA Regulations (July 1, 1992, through December 31, 1992) (September 23, 1993), R93-4; published at 17 Ill. Reg. 20545 (December 3, 1993), effective November 22, 1993. (Used Oil Rules)
- R93-16 RCRA Update, USEPA Regulations (January 1, 1993, through June 30, 1993) (March 17, 1994, supplemental opinion and order on April 21, 1994;), R93-16; published at 18 Ill. Reg. 6720 (May 6, 1994), effective April 26, 1994.
- R94-7 RCRA Subtitle C Update, USEPA Regulations (July 1, 1993, through December 31, 1993) (June 23, 1994), R94-7; published at 18 Ill. Reg. 12160 (August 12, 1994), effective July 29, 1994.
- R94-17 RCRA Subtitle C Update, USEPA Regulations (January 1, 1994, through June 30, 1994) (October 20, 1994), R94-17; published at 18 Ill. Reg. 17480 (December 9, 1994), effective November 23, 1994.
- R95-6 RCRA Subtitle C Update, USEPA Regulations (July 1, 1994, through December 31, 1994, January 3, 1995 & May 19, 1995) (Consolidated with R95-4) (June 1 and 15, 1995, R95-6; 19 Ill. Reg. 9501 (July 14, 1995), effective June 27, 1995.
- R95-20 RCRA Subtitle C Update, USEPA Regulations (January 1, 1995, through June 30, 1995; July 7, 1995; September 29, 1995; November 13, 1995; June 6, 1996) (June 20, 1996), R95-20; published at 20 Ill. Reg. 10929 (August 16, 1996), effective August 1, 1996.



- R96-10      RCRA Subtitle C Update, USEPA Regulations (July 1, 1995, through December 31, 1995) Consolidated with R97-3 and R97-5 (November 6, 1997), R96-10; 22 Ill. Reg. 256 (January 2, 1998), effective December 16, 1997.
- R97-5      RCRA Subtitle C Update, USEPA Regulations (January 1, 1996, through June 30, 1996) Consolidated with R96-10 and R97-3 (November 6, 1997), R97-5; published at 22 Ill. Reg. 256 (January 2, 1998), effective December 16, 1997.
- R97-21      RCRA Subtitle C (HW) Update, USEPA Regulations (July 1, 1996, through December 31, 1996) Consolidated with R98-3 and R98-5 (August 20, 1998), R97-21; published at 22 Ill. Reg. 17930 (October 9, 1998), effective September 28, 1998.
- R98-5      RCRA Subtitle C Update, USEPA Regulations (January 1, 1997, through June 30, 1997) Consolidated with R97-21 and R98-3 (August 20, 1998), R98-5; published at 22 Ill. Reg. 17930 (October 9, 1998), effective September 28, 1998.
- R98-21      RCRA Subtitle C Update, USEPA Regulations (July 1, 1997, through December 31, 1997) (Consolidated with R99-2 and R99-7) (December 17, 1998), R98-21; published at 23 Ill. Reg. 1695 (February 5, 1999), effective January 19, 1999.
- R99-2      RCRA Subtitle C Update, USEPA Regulations (January 1, 1998, through June 30, 1998) (Consolidated with R98-21 and R99-7) (December 17, 1998), R99-2; published at 23 Ill. Reg. 1695 (February 5, 1999), effective January 19, 1999.
- R99-15      RCRA Subtitle C Update, USEPA Regulations (July 1, 1998, through December 31, 1998) (this Docket).

The Board added to the federal listings of hazardous waste by listing dioxins pursuant to Section 22.4(d) of the Act:

- R84-34      Hazardous Waste Listings and Test Methods for Identification of Tetrachlorodibenzo-p-Dioxins (November 21, 1984), R84-34; published at 8 Ill. Reg. 24562 (December 21, 1984), effective December 11, 1984.

This was repealed by R85-22, which included adoption of USEPA's dioxin listings. Section 22.4(d) was repealed by P.A. 85-1048, effective January 1, 1989.

The Board has adopted USEPA delistings at the request of Amoco, Envirite, USX, and CSI:

- R85-2      Petition of Amoco Oil Company Amendment to 35 Ill. Adm. Code Part 721, Appendix I (April 24, 1986), R85-2; published at 10 Ill. Reg. 8112 (May 16, 1986), effective May 2, 1986.
- R87-30      Petition for Rulemaking to Adopt Regulations Identical in Substance to federal RCRA Requirements filed by the Envirite Corporation (90 PCB 665, June 30, 1988), R87-30; published at 12 Ill. Reg. 12070 (July 22, 1988), effective July 12, 1988.
- R91-12      Delisting Petition for USX Corporation (Identical in Substance Rule) (December 19, 1991), R91-12; published at 16 Ill. Reg. 2155 (February 7, 1992), effective January 27, 1992.
- R95-20      RCRA Subtitle C, USEPA Regulations (January 1, 1995, through June 30, 1995, July 7, 1995, September 29, 1995, November 13, 1995, and June 6, 1996) (June 20, 1996), R95-20; published at 20 Ill. Reg. 10929 (August 16, 1996), effective August 1, 1996.

On April 30, 1990, USEPA authorized Illinois to grant waste delistings. Upon this authorization, USEPA transferred pending delisting petitions to the Board. The Board docketed these as site-specific rulemaking proceedings:

- R90-18      USX Corporation, Southworks Delisting (Site-Specific) (June 6, 1991), R90-18. (Dismissed.)
- R90-19      Woodward Governor Company Delisting (Site-Specific) (November 8, 1990), R90-19. (Dismissed.)
- R90-23      General Motors Corporation Site-Specific Exception to 35 Ill. Adm. Code 216.381 for Ferrous Foundries in Vermilion County (July 11, 1991), R90-23. (Dismissed.)

The Board has modified the delisting procedures to allow the use of adjusted standards in lieu of site-specific rulemakings:

- R90-17      RCRA Delistings (February 28, 1991), R90-17; published at 15 Ill. Reg. 7934 (May 24, 1991), effective May 9, 1991.

Waste generators have filed Part 106 adjusted standard petitions for solid waste determinations with the Board pursuant to Section 720.130:

- AS 89-4      In the Matter of: Safety-Kleen Corporation, Petition for an Adjusted Standard, 35 Ill. Adm. Code 720.131(c) (November 15, 1989), AS 89-4. (Dismissed.)
- AS 89-5      In the Matter of: Safety-Kleen Corporation, Petition for an Adjusted Standard, 35 Ill. Adm. Code 720.131(c) (July 3, 1990), AS 89-5. (Dismissed.)
- AS 90-7      In the Matter of: Petition of Quantum Chemical Company, USI Division, for an Adjusted Standard, 35 Ill. Adm. Code 720.130 (July 11, 1991), AS 90-7. (Dismissed.)
- AS 96-11     In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard, 35 Ill. Adm. Code 720.131(a) & (c) (August 1, 1996), AS 96-11. (Dismissed.)
- AS 97-2      In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard, 35 Ill. Adm. Code 720.131(a) & (c) (March 19, 1998), AS 97-2. (Denied.)
- AS 97-9      In the Matter of: Petition of Recycle Technologies, Inc. for an Adjusted Standard, 35 Ill. Adm. Code 720.131(c) (September 3, 1998), AS 97-9. (Granted.)
- AS 99-3      In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard, 35 Ill. Adm. Code 720.131(c) (April 15, 1999), AS 99-3. (Granted.)

Waste generators have filed Part 106 adjusted standard petitions for hazardous waste delistings with the Board pursuant to Section 720.122:

- AS 91-1      In the Matter of: Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting (February 6, 1992), AS 91-1. (Granted.)
- AS 91-3      In the Matter of: Petition of Peoria Disposal Company for an Adjusted Standard from 35 Ill. Adm. Code 721, Subpart D (February 4, 1993), AS 91-3. (Granted.)
- AS 93-7      In the Matter of: Petition of Keystone Steel & Wire Company for an Adjusted Standard from 35 Ill. Adm. Code 721.132 (February 17, 1994), AS 93-7. (Granted.)
- AS 94-10     In the Matter of: Petition of Envirite Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721, Subpart D (December 14, 1994), AS 94-10. (Granted.)

The Board has procedures to be followed in cases before it involving the RCRA Subtitle C regulations:

- R84-10      RCRA and UIC Procedural Rules (December 20, 1984, and January 10, 1985), R84-10; published at 9 Ill. Reg. 1383 (February 1, 1985), effective January 16, 1985.

The Board also adopted special procedures to be followed in certain determinations under Part 106. The Board adopted these Part 106 special procedures in RCRA Update (April 24, 1984, through June 30, 1985) (December 20, 1985, and January 9, 1986), R85-22 and amended them in RCRA Update (July 1, 1986, through September 30, 1986) (July 16, 1987), R86-46, listed above.

One Part 106 adjusted standard proceeding filed pursuant to 728.106 sought relief from a prohibition against land disposal:

- AS 90-6      In the Matter of: Petition of Marathon Petroleum Company for an Adjusted Standard to Allow Land Disposal of a Waste Prohibited Under 35 Ill. Adm. Code 728.130 through 728.139 (September 17, 1992), AS 90-6. (Dismissed.)

Other adjusted standard proceedings sought relief from aspects of the land disposal unit closure and post-closure care requirements:

- AS 90-8      In the Matter of: Petition of Olin Corporation for an Adjusted Standard from 35 Ill. Adm. Code 724 and 725 (Related to Closure and Post Closure of RCRA Regulated Surface Impoundments) (February 27, 1992), AS 90-8. (Granted.)
- AS 91-4      In the Matter of: Petition of Amoco Oil Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213(d)(1)(B) and 725.321(a) (March 11, 1992), AS 91-4. (Granted.)

One adjusted standard proceeding sought relief from a RCRA Subtitle C land disposal restriction:

- AS 90-6      In the Matter of: Petition of Marathon Petroleum Company for an Adjusted Standard to Allow Land Disposal of a Waste Prohibited Under 35 Ill. Adm. Code 728.130 through 728.139 (September 17, 1992), AS 90-6. (Dismissed.)

Still another adjusted standard proceeding relates to substantive treatment, storage, and disposal facility requirements of the RCRA Subtitle C regulations:

AS 91-10      In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 725.293 (May 19, 1994), AS 91-10. (Dismissed; secondary containment for tanks.)

One adjusted standard proceeding related to the requirements applicable to the contents of the application for a facility permit under the RCRA Subtitle C regulations:

AS 97-11      In the Matter of: Petition of Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 703.183(r) (June 19, 1997), AS 97-11. (Denied; topographic facility map requirement.)

A final adjusted standard filed under 35 Ill. Adm. Code 725.213(e) allowed the continued operation of a lagoon that had formerly received hazardous waste but which did not comply with the liner and leachate collection system requirements of 35 Ill. Adm. Code 725.321:

AS 97-3      In the Matter of: Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 (May 15, 1997), AS 97-3. (Granted.)

AS 98-6      In the Matter of: Wood River Refining Co., a Division of Equilon Enterprises LLC, f/k/a Shell Wood River Refining Co., for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 (March 18, 1999), AS 98-6. (Granted.)

In another regulatory proceeding, the Board has considered granting temporary relief from the termination of a hazardous waste listing in the form of an emergency rule:

R91-11      Certain Hazardous Wastes from Primary Zinc Smelting and Refining, 35 Ill. Adm. Code 721.104(b)(7)(U) (August 8, 1991), R91-11. (Filed by Big River Zinc Corp.)

The Board has also adopted requirements limiting and restricting the landfilling of liquid hazardous wastes, hazardous wastes containing halogenated compounds, and hazardous wastes generally:

R81-25      Proposal for Adoption of Sanitary landfill Regulation, Rule 310: Special Wastes; Prohibition of Landfilling of Halogenated Solvents filed by Citizens for a Better Environment (October 25, 1984), R81-25; published at 8 Ill. Reg. 24124 (December 14, 1984), effective December 4, 1984.

R83-28      Definition of Liquid Hazardous Waste (February 26, 1986), R83-28; published at 10 Ill. Reg. 4875 (March 21, 1986), effective March 7, 1986.

R86-9            Hazardous Waste Prohibitions (Emergency Rule) (October 23, 1986), R86-9; published at 10 Ill. Reg. 19787 (November 21, 1986), effective November 5, 1986.

The Board's action in adopting emergency regulations in R86-9 was reversed by the First District Court of Appeals. Citizens for a Better Environment v. PCB, 152 Ill. App. 3d 105, 504 N.E.2d 166 (1st Dist. 1987).

Public Act 90-502, eff. Aug. 19, 1997, amended Section 22.23a of the Act to require the Board to designate high intensity discharge lamps and fluorescent lamps as a category of universal waste based on a proposal to be filed by the Agency. The Board adopted such amendments to the Illinois hazardous waste rules on April 2, 1998, effective April 15, 1998. In The Matter of: Amendments of 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards For Universal Waste Management) (April 2, 1998), R98-12.

USEPA periodically reviews the Illinois hazardous waste program. As a result of these reviews, USEPA has granted Illinois a number of authorizations. The *Federal Register* citations for the authorizations are listed as follows:

47 Fed. Reg. 21043 (May 17, 1982) (Phase I authorization).

51 Fed. Reg. 3778 (Jan. 30, 1986) (Phase II authorization), effective January 31, 1986.

53 Fed. Reg. 126 (Jan. 5, 1988) (partial HSWA authorization), effective March 5, 1988.

54 Fed. Reg. 37649 (Sep. 12, 1989) (approvals codified as 40 C.F.R. 272.700 and 272.701), effective November 13, 1989

55 Fed. Reg. 7320 (Mar. 1, 1990), effective April 30, 1990

56 Fed. Reg. 13595 (Apr. 3, 1991), effective June 3, 1991

57 Fed. Reg. 3731 (Jan. 31, 1992), effective March 31, 1992

59 Fed. Reg. 30525 (June 14, 1994), effective August 14, 1994

61 Fed. Reg. 10684 (Mar. 15, 1996), effective May 14, 1996

61 Fed. Reg. 40520 (Aug. 5, 1996), effective October 4, 1996

#### History of UIC Rules Adoption

The Board has adopted and amended Underground Injection Control (UIC) regulations in several dockets to correspond with the federal regulations. One such docket, Amendments to

Phase I, RCRA Rules (January 13, 1983), R82-18, was a RCRA Subtitle C docket. The entire listing of all UIC rulemakings follows:

- R81-32      Underground Injection Control Regulations, Waste Disposal (May 13, 1982), R81-32; published at 6 Ill. Reg. 12479 (October 15, 1982), effective February 1, 1984.
- R82-18      Amendments to Phase I, RCRA Rules (January 13, 1983), R82-18; published at 7 Ill. Reg. 2518 (March 4, 1983), effective May 17, 1982.
- R83-39      Amendment of 35 Ill. Adm. Code 704.122, Underground Injection Control (December 15, 1983), R83-39; published at 7 Ill. Reg. 17338 (December 20, 1983), effective December 19, 1983. (Amendments adopted by USEPA on April 1, 1983.)
- R85-23      UIC Update, USEPA Regulations (through June 30, 1985) (June 20 and July 11, 1986), R85-23; published at 10 Ill. Reg. 13274 (August 8, 1986), effective July 28 and 29, 1986.
- R86-27      UIC Update (July 1, 1986, through December 31, 1986) (April 16, 1987), R86-27. (Dismissed; no USEPA amendments in the update period.)
- R87-29      UIC Update, USEPA Regulations (January 1, 1987, through June 30, 1987) (January 21, 1988), R87-29; published at 12 Ill. Reg. 6673 (April 8, 1988), effective March 28, 1988. (1/1/87 through 6/30/87)
- R88-2        UIC Update, USEPA Regulations (July 1, 1987, through December 31, 1987) (June 30, 1988), R88-2; published at 12 Ill. Reg. 13700 (August 26, 1988), effective August 16, 1988.
- R88-17      UIC Update, USEPA Regulations (January 1, 1988, through June 30, 1988) (December 15, 1988), R88-17; published at 13 Ill. Reg. 478 (January 13, 1989), effective December 30, 1988.
- R89-2        UIC Update, USEPA Regulations (July 1, 1988, through December 31, 1988), (January 25, 1990), R89-2; published at 14 Ill. Reg. 3059 (March 2, 1990), effective February 20, 1990.
- R89-11      UIC Update, USEPA Regulations (January 1, 1989, through June 30, 1989) (May 24, 1990), R89-11; published at 14 Ill. Reg. 11948 (July 20, 1990), effective July 9, 1990.
- R90-5        UIC Update, USEPA Regulations (July 1, 1989, through December 31, 1989) (March 22, 1990), R90-5. (Dismissed; no USEPA amendments in the update period.)

- R90-14 UIC Update, USEPA Regulations (January 1, 1990, through June 30, 1990) (May 23, 1991), R90-14; published at 15 Ill. Reg. 11425 (August 9, 1991), effective July 24, 1991.
- R91-4 UIC Update, USEPA Regulations (July 1, 1990, through December 31, 1990) (February 28, 1991), R91-4. (Dismissed; no USEPA amendments in the update period.)
- R91-16 UIC Update, USEPA Regulations (January 1, 1991, through June 30, 1991) (December 6, 1991), R91-16. (Dismissed; no USEPA amendments in the update period.)
- R92-4 UIC Update, USEPA Regulations (July 1, 1990, through December 31, 1990) (April 9, 1992), R92-4. (Dismissed; no USEPA amendments in the update period.)
- R92-13 UIC Update, USEPA Regulations (January 1, 1992, through June 30, 1992) (February 4, 1993), R92-13; published at 17 Ill. Reg. 6190 (April 16, 1993), effective April 5, 1993.
- R93-6 UIC Update, USEPA Regulations (July 1, 1992, through December 31, 1992) (August 5, 1993), R93-6; published at 17 Ill. Reg. 15641 (September 24, 1993), effective September 14, 1993.
- R93-17 UIC Update, USEPA Regulations (January 1, 1993, through June 30, 1993) (September 23, 1993), R93-17. (Dismissed; no USEPA amendments in the update period.)
- R94-5 UIC Update, USEPA Regulations (July 1, 1993, through December 31, 1993) (November 3, 1994), R94-5; published at 18 Ill. Reg. 18244 (December 23, 1994), effective December 20, 1994.
- R94-24 UIC Update, USEPA Regulations (January 1, 1994, through June 30, 1994) (October 6, 1994), R94-24. (Dismissed; the Board included the USEPA amendments that occurred in the update period in RCRA Subtitle C Update, USEPA Regulations (January 1, 1994, through June 30, 1994) (October 20, 1994), R94-17.)
- R95-4 UIC Update, USEPA Regulations (July 1, 1994, through December 31, 1994) (Consolidated with R95-6) (June 1 and 15, 1995, R95-4; 19 Ill. Reg. 9501 (July 14, 1995), effective June 27, 1995.



- R95-18      UIC Update, USEPA Regulations (January 1, 1995, through June 30, 1995) (October 5, 1995), R95-18. (Dismissed; no USEPA amendments in the update period.)
- R96-8      UIC Update, USEPA Regulations (July 1, 1995, through December 31, 1995) (February 15, 1996, R96-8. (Dismissed; no USEPA amendments in the update period.)
- R97-3      UIC Update, USEPA Regulations (January 1, 1996, through June 30, 1996) Consolidated with R96-10 and R97-5 (November 6, 1997), R97-3, published at 22 Ill. Reg. 256 (January 2, 1998), effective December 16, 1997.
- R97-19     UIC Update, USEPA Regulations (July 1, 1996, through December 31, 1996) (May 1, 1997), R97-19. (Dismissed; no USEPA amendments in the update period.)
- R98-3      UIC Update, USEPA Regulations (January 1, 1997, through June 30, 1997) Consolidated R97-21 and R98-5 (August 20, 1998), R98-3; published at 22 Ill. Reg. 17930 (October 9, 1998), effective September 18, 1998.
- R98-19     UIC Update, USEPA Regulations (July 1, 1997, through December 31, 1997) (February 19, 1998), R98-19. (Dismissed; no USEPA amendments in the update period.)
- R99-7      UIC Update, USEPA Regulations (January 1, 1998, through June 3, 1998) (Consolidated with R98-21 and R99-2) (December 17, 1998), R99-7; published at 23 Ill. Reg. 1695 (February 5, 1999), effective January 19, 1999.
- R99-13     UIC Update, USEPA Regulations (July 1, 1998, through December 31, 1998) (February 18, 1999), R99-13. (Dismissed; no USEPA amendments in the update period.)

In two proceedings filed, the Board considered an adjusted standard from a UIC land disposal restriction, pursuant to the procedures outlined above with respect to the RCRA Subtitle C program:

- AS 92-8     In the Matter of: Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B (February 17, 1994), AS 92-8. (Granted; no migration exception.)
- AS 96-3     In the Matter of: Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B (March 7, 1996), AS 92-8.

(Granted modification of the In the Matter of: Petition of Cabot Corporation for Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B (February 17, 1994), AS 92-8, no migration exception.)

USEPA authorized the Illinois UIC program on March 3, 1984, at 49 Fed. Reg. 3991 (Feb. 1, 1984); codified that approval as 40 C.F.R. 147, Subpart O, at 49 Fed. Reg. 20197 (May 11, 1984); and amended the authorization at 53 Fed. Reg. 43087 (Oct. 25, 1988) and 56 Fed. Reg. 9414 (Mar. 6, 1991).

#### Agency or Board Action

Section 7.2(a)(5) of the Act requires the Board to specify for which portions of the program USEPA will retain decision making authority. Based on the general division of functions within the Act and other Illinois statutes, the Board is also to specify which State agency is to make decisions.

In situations in which the Board has determined that USEPA will retain decision-making authority, the Board has replaced “Regional Administrator” with USEPA, so as to avoid specifying which office within USEPA is to make a decision.

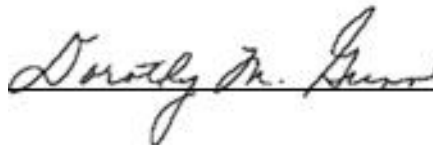
In some identical-in-substance rules, certain decisions pertaining to a permit application are not appropriate for the Agency to consider. In determining the general division of authority between the Agency and the Board, the following factors should be considered:

1. Whether the person making the decision is applying a Board regulation, or taking action contrary to (“waiving”) a Board regulation. It generally takes some form of Board action to “waive” a Board regulation.
2. Whether there is a clear standard for action such that the Board can give meaningful review to an Agency decision.
3. Whether the action would result in exemption from the permit requirement itself. If so, Board action is generally required.
4. Whether the decision amounts to “determining, defining or implementing environmental control standards” within the meaning of Section 5(b) of the Act. If so, it must be made by the Board.

There are four common classes of Board decisions: variance, adjusted standard, site-specific rulemaking, and enforcement. The first three are methods by which a regulation can be temporarily postponed (variance) or adjusted to meet specific situations (adjusted standard or site-specific rulemaking). There often are differences in the nomenclature for these decisions between the USEPA and Board regulations.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above opinion was adopted on the 17th day of June 1999 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board