

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| IN THE MATTER OF: |) | |
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| RCRA SUBTITLE C UPDATE, |) | R10-4 |
| USEPA AMENDMENTS |) | (Identical-in-Substance |
| (July 1, 2008 through June 30, 2009) |) | Rulemaking –Land, |
| |) | Consolidated R09-16 and R10-4) |

COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through one of its attorneys, Stephanie Flowers, and respectfully submits the following comments regarding the first notice proposal of the Illinois Pollution Control Board (“Board”) published in the Illinois Register on August 6, 2010. *See*, 34 Ill. Reg. 10991.

1. The Board defines “gasification” as a device that is designed and operated to process petroleum feedstock. The Illinois EPA believes this definition of gasification is lacking. None of the proposed gasification facilities known to the Illinois EPA use oil-bearing or petroleum based feedstock but instead use manure, medical waste, hazardous waste and garbage. Therefore, the Illinois EPA asks for clarification from the Board if a unit which processes materials other than petroleum feedstock in lieu of or in conjunction with the petroleum feedstock would meet the definition of a gasification unit.
2. Section 720.130(d) includes the term “industrial process”. The Illinois EPA asks for this term to be defined.
3. Section 720.130(e) includes the terms “product” and “intermediate”. The Illinois EPA asks for these terms to be defined.

4. Section 720.143(c)(2) contains the term "significant concentrations". The Illinois EPA asks the Board to provide guidance on what would constitute "significant concentrations" of the hazardous constituents.
5. Section 721.101(c)(4) contains an incorrect reference to Section 726.112. This appears to be a typo and should read Section 726.212.
6. Sections 721.104(a)(24)(B) and (F) contain the term "handles", which has not been defined. The Illinois EPA asks for this term to be defined. The term "management" as defined in 35 Ill. Adm. Code 720.110 has been used similarly to identify specific activities associated with hazardous waste and the Illinois EPA believes the term "handles" could be defined in a similar manner.
7. Section 721.138, subsections (a)(3), (a)(4), and (a)(5) refer to subsection (a)(6) which is missing.
8. Also, since Part 724 is open to amendments, the Illinois EPA wishes to notify the Board that there is a typo at 35 Ill. Adm. Code 724.199(c)(1). An incorrect reference is made to Section 724.297(g) which should read Section 724.197(g).

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____/Stephanie Flowers_____
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DATED: September 20, 2010
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CERTIFICATE OF SERVICE

I, STEPHANIE FLOWERS, an attorney, do certify that I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and will cause the same to be served upon the following persons, by placing a true and correct copy in an envelope addressed to:

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and mailing it by First Class Mail from Springfield, Illinois on September 20, 2010 with sufficient postage affixed.

/Stephanie Flowers
STEPHANIE FLOWERS

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