

## Therriault, John

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**From:** McCambridge, Michael  
**Sent:** Tuesday, December 18, 2012 12:24 PM  
**To:** 'Westefer.Gary@epamail.epa.gov'  
**Cc:** Therriault, John; Burke, Jennifer; Robertson, Daniel; Brown, Don  
**Subject:** RE: R 13-5 / R 13-15

pe#1

I look forward to receiving whatever suggestions for corrections you derive. If you need more time for review before I begin work on R13-15, let me know. We have some time that we can delay assembling a proposal and still remain timely for final adoption.

Does all this work on reviewing the Illinois Subtitle C rules mean that additional authorizations are in the works? We have not seen an authorization of the Illinois program issue for over 15 years. If more authorizations are imminent, what time-frames and federal rules will they include?

The alternative design provision of Section 724.321(d) allows the Agency to make the determination based on the performance standard contained in the provision. We do not call it a "waiver" because such would imply that the Agency is making an exception to a standard. This provision allows the Agency to apply the alternative standard provided in the rule.

I am unaware that the Agency has ever applied this alternative standard. You would have to ask them.

John Therriault: Please enter this e-mail into dockets R13-5 and R13-15. You may enter them combined with the earlier e-mail at your discretion.

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**From:** Westefer.Gary@epamail.epa.gov [mailto:Westefer.Gary@epamail.epa.gov]  
**Sent:** Tuesday, December 18, 2012 12:08 PM  
**To:** McCambridge, Michael  
**Subject:** RE: R 13-5

Thanks Mike, these were the result of Chuck Mikalian one of our attorneys (incidentally he formerly worked for IEPA). I didn't expect these to be fixed in R 13-5 as that is already going final, and we don't need a second comment period.

We found 3 Federal errors too, I will forward those to our HQ. For both parties this is pretty good since he looked at nearly 100 rule revisions. Many go back to Anne and Mort even. There are a few others en-route that will be coming, and several others that you had fixed in previous rulemakings that I got taken down from the comment list. As for R 13-5 that docket was fine. At least with this docket I got Chuck on the wavelength that we review the current rules when they come in.

By the way, if a request for a 3004 (o)(2) waiver which would come in under 325 IAC 724.321(d) is made. Does the Board or IEPA take that action? Has one ever happened? I say this because Honeywell (Metropolis facility - they handle radioactive wastes as well) is thinking about doing that.

"McCambridge, Michael" ---12/18/2012 11:25:27 AM---Thanks for the comments. I will need to include any corrections based on them in the next update, R

From: "McCambridge, Michael" <Michael.McCambridge@illinois.gov>  
To: Gary Westefer/R5/USEPA/US@EPA,  
Cc: "Therriault, John" <John.Therriault@illinois.gov>, "Burke, Jennifer" <Jennifer.Burke@illinois.gov>, "Robertson, Daniel" <Daniel.Robertson@illinois.gov>, "Brown, Don" <Don.Brown@illinois.gov>

Thanks for the comments. I will need to include any corrections based on them in the next update, R13-15. Parts 724 and 725 are not open in docket R13-5. Although Part 726 is open in R13-5, I would prefer to deal with all of the corrections based on your suggestions at the same time. If further review brings further suggested corrections, please get them to me promptly. I may begin work on R13-15 as early as February.

John Therriault: I requested yesterday that you enter this as a public comment in R13-5. Please also enter it as a comment in R13-15.

**From:** [Westefer.Gary@epamail.epa.gov](mailto:Westefer.Gary@epamail.epa.gov) [<mailto:Westefer.Gary@epamail.epa.gov>]  
**Sent:** Monday, December 17, 2012 4:20 PM  
**To:** McCambridge, Michael  
**Subject:** R 13-5

Mike: We have reviewed R13-05 and found no issues with it. From our standpoint, you may proceed.

Chuck Mikalian did a gleaning of your rules and you will get a full list (there weren't a huge number ) later. But for now, here are a few rules that should be changed in your next docket:

The following rule corrections are probably unintentional typographic errors considering the rules are governed by the Identical in Substance Statute, but could be interpreted as rendering your program as less stringent.

Therefore the IPCB needs to make these corrections:

A. Checklist 154: 725.1090(g)/265.1090(g): federal regulation includes cross references to 265.1085(l) and 265.1086(g), state regulation only references 725.1085(l). A reference to 725.1086(g) needs to be added to the Illinois rule at 725.1090(g)

B. Checklist 212: 726.200(b)(4) / 266.100(b)(4) State regulation omits the reference to 63.1217(e) found in federal regulation. Please add this reference.

C. Checklist 212. 703.241(a)(3)/270.32(b)(3)) the federal regulation cites to 40 CFR 63EEE, 264 and 266. State regulation cites to 40 CFR 63EEE, 724 and 725. As this cite involves permit conditions, it deals with 40 CFR 264 and 266 (Boilers and Industrial Furnaces) rather than 265 which deals with interim status only. Therefore the correct state cite should be 35 IAC 724 and 726,

D. Checklist 154.3. 724.989(i)(2)(B) /264.1089(i)(2)(ii) (record keeping) concerns containers. State regulation says "tanks" instead of "containers" on line 3; same problem (word "tank is inserted instead of "containers") occurs again in 724.989(i)(3)(B), line 3.

E. Checklist 163. 265.1085(f)(3)(i)(D)(4)/725.985(f)(3)(A)(iv) references (f)(4)(D) (due to state codification issues, IPCB couldn't do another level of subdivision). Therefore, IPCB moved federal (f)(3)(i)(D)(4) to state (f)(3)(d)). Since Illinois' cross reference to (f)(4)(D) is wrong, it renders the state regulation partially unenforceable.

F. Checklist 154. In 40 CFR 264.1030 - note following (c): Federal regulations delete the reference to 262.34 in the note (this deletion also occurs in the note following 264.950). The state regulation properly deletes it in the 724.950 note but does not make this deletion in 724.930. The result is the State might exempt more entities than the federal equivalent. Please delete the note in 724.930.

Mike, hope you have a great holiday season and a happy new year. I expect to get the rest of the comments forwarded in the next few days.