

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1996

IN THE MATTER OF:)
)
RCRA SUBTITLE D UPDATE) R96-9
(July 1 through December 31, 1995)) (Identical-in-Substance)
) (Land Rules)

Proposed rule. _____ Dismissal order.

ORDER OF THE BOARD (by G.T. Girard):

Pursuant to Section 22.40(a) of the Environmental Protection Act (Act), the Board would normally propose amendments to the Illinois regulations that are "identical in substance" with USEPA amendments to the municipal solid waste landfill (MSWLF) rules adopted pursuant to Sections 4004 and 4010 of Subtitle D of the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA). The term "identical in substance" has been defined in Section 7.2 of the Act. Accordingly, the Board reserved this docket for USEPA amendments during the period from July 1 through December 31, 1995.

During the covered update period, USEPA did not amend its 40 CFR 258 RCRA Subtitle D MSWLF regulations in any way that would require Board action. The following two actions occurred during the update period:

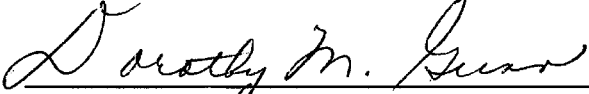
1. Amendments to 40 CFR 258, on August 7, 1995 (60 Fed. Reg. 39586) corrected cross-references in the text of the federal financial assurance regulations. Specifically, provisions in the rules pertaining to trust funds, letters of credit, and insurance that referred to an assumption of responsibility by the state were changed by USEPA to refer to the intended provision pertaining to multiple mechanisms. The Board did not incorporate the erroneous references in the first instance.
2. Amendments to 40 CFR 258, on October 6, 1995 (60 Fed. Reg. 52337) extended the compliance deadline until October 9, 1997 for two types of small MSWLF landfills (landfills receiving less than 20 tons of waste per day) meeting certain conditions. The landfills, some in remote areas (areas cut off from transportation for at least three months each year) and others in dry areas (areas receiving less than 25 inches of annual precipitation), are types not located in Illinois. The Board never incorporated the original October 1, 1993 (58 Fed. Reg. 51546) deadline extension for remote and dry-area landfills.

Thus, the Illinois regulations include no counterparts to the revised federal regulations.

For the foregoing reason, no change is necessary at this time, and the Board hereby dismisses this proceeding.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 7th day of March, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board