

ILLINOIS POLLUTION CONTROL BOARD
March 2, 2000

IN THE MATTER OF:)
)
RCRA SUBTITLE C UPDATE, USEPA) R00-13
AMENDMENTS (July 1, 1999, through) (Identical-in-Substance
December 31, 1999)) Rulemaking - Land)

Proposed Rule. Proposal for Public Comment.

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

Under Sections 7.2 and 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.4(a) (1998)), the Board proposes 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 period July 1, 1999, through December 31, 1999.

Sections 7.2 and 22.4(a) provide 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 and 5-40 (1998)) 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 proposed opinion supports the proposed order that the Board also adopts today. The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication.

FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING

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

Docket R00-13: July 1, 1999, through December 31, 1999, RCRA Subtitle C
Amendments

USEPA amended the federal RCRA Subtitle C regulations on four occasions during the period July 1, 1999, through December 31, 1999. Each is summarized below:

64 Fed. Reg. 36466 (July 6, 1999)

USEPA adopted amendments that designate and regulate hazardous waste lamps as

universal waste.

64 Fed. Reg. 52828 (September 30, 1999)

USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules.

64 Fed. Reg. 56469 (October 20, 1999)

USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).

64 Fed Reg. 63209 (November 19, 1999)

USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.

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 accompanying order, we have not identified any USEPA actions since December 31, 1999, 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. If the Board identifies any federal actions that fulfill these criteria prior to final action on the present amendments, it may include those amendments in the present update docket R00-13.

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

In addition to the amendments to the federal RCRA Subtitle C regulations, another, unrelated set of 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 set of federal amendments to 40 C.F.R. 136 is as follows:

64 Fed. Reg. 73414 (December 30, 1999)

USEPA amended the 40 C.F.R. 136 methods for testing available cyanide in water for the purposes of compliance with the Clean Water Act.

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 as follows, in chronological order:

64 Fed. Reg. 36466 (July 6, 1999)	USEPA adopted amendments that designate and regulate hazardous waste lamps as universal waste.
64 Fed. Reg. 52828 (September 30, 1999)	USEPA adopted final emission standards for hazardous waste combustors. These integrated air pollution control and hazardous waste regulations amend various segments of the hazardous waste rules.
64 Fed. Reg. 56469 (October 20, 1999)	USEPA adopted a technical correction to its May 11, 1999 technical amendments to its May 12, 1997 Phase IV land disposal restrictions (LDRs).
64 Fed. Reg. 63209 (November 19, 1999)	USEPA adopted technical corrections to its September 30, 1999 final emission standards for hazardous waste combustors.
64 Fed. Reg. 73414 (December 30, 1999)	40 C.F.R. 136 amendments.

PUBLIC COMMENTS

The Board will receive public comments on this proposal for a period of 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adoption of the amendments, making any necessary changes made evident through the public comments. The Board will delay filing any adopted rules with the Secretary of State for 30 days after adoption, particularly to allow additional time for USEPA to review the adopted amendments before they are filed and become effective. The complete text of the proposed amendments appears in a separate order adopted this day.

As of the adoption of this proposal for public comment, the Board has received no public comments. However, the Board has received two documents from the Joint Committee on Administrative Rules (JCAR) that indicate a number of corrections that JCAR wishes the Board to make in this proceeding. These revisions are based on JCAR review of the amendments of June 17, 1999, in docket R99-15, and of December 2, 1999, in docket R00-5. The revisions made in response to the JCAR requests are outlined in the table that begins on page 14 of this opinion.

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 relevant *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 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, 1999 version. Thus, we have updated all citations to the 1999 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.

In examining the text of the rules in preparation for adding the federal amendments, the Board discovered two anomalies in the text of Appendix A to Part 703, which is the table of classifications of permit modifications. The two anomalies were directly derived from the federal text of the corresponding Appendix I to 40 C.F.R. 270.42.

The first anomaly is that paragraph (F)(1)(c) appears unclear or out of place. Paragraph (F)(1)(c) begins with the conjunction “or,” and its subject matter does not immediately appear to relate to the two paragraphs that precede it. Paragraph (F)(1)(c) relates to treatment processes. Paragraphs that appear under (F)(1)(a) and (F)(1)(b) relate to modification or addition of container units at a facility. Paragraph (F)(1)(c) appears to parallel paragraph (G)(1)(e), relating to tanks, which begins “modification or addition of tank units or treatment processes necessary to treat” Thus, USEPA may have intended that we read paragraph (F)(1)(c) with the implied introductory words “modification or addition of container units” to parallel paragraph (G)(1)(c). As explained, however, paragraph (F)(1)(c) appears ambiguous and misplaced starting with the conjunction “or.”

The Board has proposed adding the introductory words “modification or addition of container units” to paragraph (F)(1)(c). We believe that this enhances the clarity of this paragraph. The Board is aware, however, that this could risk changing the meaning intended by USEPA. For this reason we request that USEPA and the Agency comment on the proposed addition. We specifically want to know whether the added introductory words enhance the meaning of this paragraph intended by USEPA or if the addition changes the meaning. If the added language is considered not acceptable by the commenter, the Board would like the commenter to suggest alternative language to clarify this paragraph.

The second anomaly is that Appendix A retains references to federal requirements and a corresponding Illinois provision that no longer exist. Paragraphs (F)(1)(c), (F)(4)(a), (G)(1)(e), (G)(5)(c), (H)(5)(c), and (J)(6)(c) refer to the requirements of 40 C.F.R. 268.8(a)(2)(ii), as incorporated by reference in 35 Ill. Adm. Code 728.108. USEPA amended 40 C.F.R. 268.8 on June 1, 1990 (55 Fed. Reg. 22520, 22683) so that it was no longer effective after May 8, 1990. In response, on April 1, 1991, in 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, the Board repealed corresponding 35 Ill. Adm. Code 728.108. USEPA subsequently removed 40 C.F.R. 268.8 on April 8, 1996 (61 Fed. Reg. 15566, 15599), as a segment of the Phase III LDRs.

While removing 40 C.F.R. 268.8, USEPA retained references to the requirements of 40 C.F.R. 268.8(a)(2)(ii) at paragraphs (F)(1)(c), (F)(4)(a), (G)(1)(e), (G)(5)(c), (H)(5)(c), and (J)(6)(c) of Appendix I to 40 C.F.R. 270.42. Appendix A to Part 703 derives from this federal appendix. Thus, both the Illinois hazardous waste rules and the federal rules on which they are based contain a reference to federal requirements that no longer exist.

The Board must remove the references to State and federal provisions that no longer exist. This is possible without changing the scope and meaning of the rules as intended by USEPA. The references to 40 C.F.R. 268.8 are old, and they use alternative language. It is apparent from the April 8, 1996 discussion of the removal of federal section 268.8, that this provision referred to a flexible treatment standard that pre-existed the current LDR treatment standards for listed wastes set forth throughout 40 C.F.R. 268 and that section 268.8 has been supplanted by the current LDRs. Deletion of the six obsolete references to section 268.8 will not affect those other treatment standards.

The references to 40 C.F.R. 268.8 and 35 Ill. Adm. Code 728.108 at paragraphs (H)(5)(c) and (J)(6)(c) of Appendix A to Part 703 also include references to 40 C.F.R. 268.5(h)(2) and 35 Ill. Adm. Code 728.105. These provisions relate to federal case-by-case extensions of the effective dates of LDRs. Specifically, 40 C.F.R. 269.5(h)(2) requires that a landfill receiving hazardous waste under an extension of a compliance deadline must comply with certain management standards. Parallel references to the requirements of 40 C.F.R. 268.5(h)(2) also appear at 40 C.F.R. 268.30(c), 268.31(c), 268.34(c), 268.38(c), and 268.39(e), each of which are transitional requirements. Since the LDRs of Subpart C or 40 C.F.R. 268 and corresponding 35 Ill. Adm. Code 728 prohibit land disposal unless the waste meets the treatment standards of Subpart D, and since the references to 40 C.F.R. 268.5(h)(2) appear limited to transitional land disposal of waste, the Board believes that the references to meeting alternative standards must have referred to the former narrative treatment standards of 40 C.F.R. 268.8.

For the foregoing reasons, the Board proposes to delete the references to 40 C.F.R. 268.5 and 35 Ill. Adm. Code 728.105. We request comments from USEPA and the Agency on the proposed deletion. We specifically want to know whether the deletion of the references to the landfill requirements of 40 C.F.R. 268.5(h)(2) from paragraphs (H)(5)(c) and (J)(6)(c) changes the meaning intended by USEPA.

The Board has assembled tables to aid location of these 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 beginning at page 10. There is no further discussion of most of the deviations and revisions elsewhere in this opinion.

Discussion of Particular Federal Actions

Designation of Lamps as Universal Waste—Part 733 and Sections 703.123, 720.110, 721.109, 724.101, 725.101 and 728.101

USEPA adopted amendments to the hazardous waste regulations and the universal waste rule on July 6, 1999 (64 Fed. Reg. 36466) that designated waste lamps as universal waste. This action had the effect of removing the management of waste lamps from the generally-applicable hazardous waste regulations.

The Board has incorporated the federal amendments into the appropriate segments of the hazardous waste regulations and the universal waste rule. We have done so with only minor deviations from the text of the federal amendments. Persons interested in the substance of the underlying federal action should refer to the notice that appeared in the July 6, 1999 issue of the *Federal Register*. The tables that begin on page 10 of this opinion outline the minor deviations that the Board has made in adapting the text of the federal amendments.

In essence, the present amendments reiterate a pre-existing exclusion for mercury-containing lamps from regulation as hazardous waste. On April 2, 1998, in docket R98-12, the Board adopted a rule designating mercury-containing lamps as universal waste and excluding them from regulation as hazardous waste. See *In re Amendments of 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards for Universal Waste Management)* (April 2, 1998), R98-12. The Board adopted this exclusion pursuant to the legislative mandate of Section 22.23a of the Act (415 ILCS 5/22.23a (1998)) (see P.A. 90-502, effective August 19, 1997). Thus, the present amendments are primarily limited to the following: changing the designation of the excluded materials from “waste mercury-containing lamp” to the federally-adopted designation of “waste lamp” or “lamp;” conforming text to the federally-adopted language; and deleting references to Section 22.23a of the Act. Adopting the federal language alters some of the management standards for these materials, so this action does have a substantive effect on management of the lamps affected. Further, by shifting the focus from “mercury-containing lamps” to “waste lamps,” the amendments may broaden the scope of the universal waste rule.

The Board requests public comment on incorporation of the July 6, 1999 federal designation of waste lamps as universal waste.

Hazardous Waste Combustor Rule—Parts 703 and 726 and Sections 720.110, 721.138, 724.440, 724.701, and 725.440

On September 30, 1999 (64 Fed. Reg. 52828), USEPA adopted final National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to hazardous waste combustors. USEPA adopted a set of corrections to its September 30, 1999 action on November 19, 1999 (64 Fed. Reg. 63209). The actual NESHAP appears as 40 C.F.R. 63, Subpart EEE, which is beyond the scope of our present proceeding. However, several aspects of this final NESHAP involved

amendments to the federal hazardous waste rules. The hazardous waste segments of the September 30, 1999, and November 19, 1999 actions are incorporated in this proceeding.

The Board incorporated the September 30, 1999 and November 19, 1999 federal amendments without significant deviation from the federal text. The table that begins on page 10 of this opinion outlines the deviations from the literal text of the federal amendments. Persons interested in the details of the federal amendments should consult the September 30, 1999, and November 19, 1999 *Federal Register* notices.

Three deviations from the federal text warrant specific mention. First, the Board has altered the definition of “lamp” in 40 C.F.R. 260.10. The altered segment of the definition reads, “A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum.” The Board has changed the conjunction to read “ultraviolet, visible, or infra-red regions” in Section 720.110. Since a lamp could emit radiation in fewer than all three bands, the Board does not think that USEPA intended to limit the definition in this way. Second, the Board has codified Table 1 to 40 C.F.R. 261.38 as a separate Appendix Y to Part 261. This was done to avoid the margin limitations of the former codification within Section 721.138 in light of the addition of two new columns to the table by USEPA. Third, the Board has reworded the footnote numbered “1” in this table to enhance its clarity. As we understand the federal requirement in this footnote, USEPA intends a limitation of 25 mg/kg at 10,000 BTU/lb for total organic halogen, with the limits for individual organic halide compounds to remain as set forth elsewhere in the table.

The Board requests public comment on our incorporation of the September 30, 1999 and November 19, 1999 final NESHAP for hazardous waste combustors.

Technical Amendments to the Phase IV LDR Amendments—Part 728 and Sections 721.132 and 722.134

The Board adopted the original May 12, 1997 Phase IV LDR amendments on August 20, 1998, in consolidated updated docket R97-21/R98-3/R98-5. The Board adopted the May 11, 1998 technical amendments on June 17, 1999, in update docket R99-15. The Board completed the federal amendments on December 2, 1999, in RCRA update docket, R00-5, by adopting a federal technical correction into Section 722.134(d). On October 20, 1999 (64 Fed. Reg. 56469), USEPA adopted additional technical corrections to the Phase IV LDR rules. The Board adopts that latest set of technical corrections in this docket. All of these amendments are minor.

The Board has incorporated the federal amendments without deviation from the federal text. Persons interested in the details of the federal amendments should consult the October 20, 1999 *Federal Register* notice. Those interested in the major segments of the federal amendments incorporated into the Illinois hazardous waste rules in the prior update docket should refer to the opinion and order in RCRA Update, USEPA Regulations (July 1, 1998, through December 31, 1998) (June 17, 1999), R99-15.

The Board requests public comment on our incorporation of the October 20, 1999 federal corrections to the Phase IV LDR rules.

Incorporation of 40 C.F.R. 136 by Reference—Section 720.111

USEPA adopted amendments to 40 C.F.R. 136, which are the Clean Water Act analytical procedures, on December 30, 1999 (64 Fed Reg. 73414). The methods affected relate to testing available cyanide in water. The Board has incorporated 40 C.F.R. 136 by reference in Section 720.111 of the hazardous waste rules. Persons interested in the details of the federal amendments should refer to the appropriate *Federal Register* notice cited above.

The Board has incorporated the federal amendments without deviation. We have updated the version of 40 C.F.R. 136 incorporated by reference by adding the three cited *Federal Register* notices to the incorporation. The Board has included all three notices without regard to whether the individual methods updated or added by USEPA are actually used to achieve or demonstrate compliance under the RCRA Subtitle C regulatory scheme.

The Board requests public comment on the update to the version of 40 C.F.R. 136 incorporated by reference for the purposes of the Illinois RCRA Subtitle C hazardous waste regulatory program.

Proposed Deferral of Phase IV LDR Standards for PCBs in Contaminated Soils—Sections 728.132 and 728.149

On February 16, 2000 (65 Fed. Reg. 7809), USEPA proposed deferring a Phase IV land disposal restriction (LDR) that it adopted on May 26, 1998 (63 Fed. Reg. 28556), and this was included by the Board in docket R98-21/R99-2/R99-7 on December 20, 1998. The rule under review requires that PCBs be considered an underlying hazardous constituent in TCLP-containing soils. USEPA stated that it is considering the deferral of this rule because it is discouraging generators from cleaning up contaminated soils, contrary to what USEPA intended when it adopted the alternative standards for contaminated soils. The proposed deferred rule would require generators to clean up contaminated soils to the standard levels for all underlying hazardous constituents except PCBs.

The public comment period for the USEPA proposal ends on April 3, 2000, and it is possible that USEPA could act promptly after that date to adopt its proposed amendments. Since this would be a relaxation of the federal LDRs, the law in Illinois would be more stringent than the federal rules during the time before the Board could adopt corresponding final amendments to the Illinois rules. This would delay conferring the benefit of the federal regulatory relaxation on entities in Illinois.

In the normal course of events, the adopted deferral would become part of some later update docket. However, the Board could expedite our consideration of the federal deferral by adopting the amendments without first proposing them in this docket if USEPA takes its final action before we finalize the R00-13 amendments. The federal amendments would affect 40 C.F.R. 268.32 and 268.49, which

correspond to Sections 728.132 and 728.149 in the Illinois rules. Part 728 will be opened with the amendments already involved in this docket, which is the threshold issue when adopting amendments not originally proposed in a rulemaking proceeding. In fact, Section 728.149 is already part of this draft proposal based on the October 20, 1999 federal amendments.

The Board requests public comment on whether we should expedite our consideration of the proposed federal deferral of the rule that requires consideration of an underlying hazardous constituent in TCLP-containing soils should USEPA adopt that deferral before we act to adopt these docket R00-13 amendments.

Discussion of Miscellaneous Housekeeping Amendments

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table (beginning immediately below) includes deviations made in this Proposal for Public Comment from the verbatim text of the federal amendments. The second table (beginning below on page 14) contains corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed 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 beginning at page 4 of this opinion.

Table 1:
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
703.205 preamble	270.19	Retained the introductory phrase “for facilities that incinerate hazardous waste”, the closing phrase “in completing the Part B application”, and the ending colon
703.205(e)	270.19(e)	Added explanatory language “the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) of”; added language indicating incorporation of the NESHAP by reference
703.208 preamble	270.22 preamble	Added explanatory language “the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) of”; added language indicating incorporation of the NESHAP by reference

703.221	270.62 preamble	Added the federal preamble as a separate Section, to correspond with the codification of 40 C.F.R. 62 as several Sections of 35 Ill. Adm. Code 703.Subpart E; added explanatory language “the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) of”; added language indicating incorporation of the NESHAP by reference; changed “this section” to “Sections 703.221 through 703.225”; added a Board Note indicating 40 C.F.R. 270.62 preamble as the source of this Section
703.232 preamble	270.66 preamble	Added explanatory language “the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) of”; added language indicating incorporation of the NESHAP by reference
703.Appendix A (A)(8)	270.42 Appendix I (A)(8)	Added asterisk to mark footnote instead of superscript “ ¹ ”
703.Appendix A (L)(9)	270.42 Appendix I (L)(9)	Retained the reference to “Section 703.280(j)” since the Board corrected the error in the original adoption
720.110 “dioxins and furans”	260.10 “dioxins and furans”	Added quotation marks to the defined term; added the conjunction “or” and replaced parentheses around the abbreviation for the defined term with quotation marks
720.110 “lamp”	260.10 “lamp”	Added quotation marks to the defined term; added the conjunction “or”; replaced the words “is defined as” with “means”; changed conjunction “and” to “or”; changed “electric lamp” to the defined term “lamp”; corrected “high intensity” to two words
720.110 “TEQ”	260.10 “TEQ”	Added quotation marks to the defined term; changed “dioxin/furan congeners” to conjunction “dioxin and furan congeners”
721.138(d) & 721.Table Y	261.38(d)	Moved the table at this subsection into a new Section 721.Table Y

721.Table Y	261.38, Table 1	Added “note” before the note number in the table and footnote 1, adding colon in the footnote; changed to the plural for the group heading “halogenated organics”; replaced the em dash with “means” in the footnotes and used lower case “not applicable” and “nondetect”; added “as organic halogen” and “as the” and replaced “below” with “in the table at the levels indicated” to Note 1 for enhanced clarity
724.440(b)(1)	264.340(b)(1)	Added incorporation by reference language; added commas to offset “under 40 CFR 63.1207(j) and 63.1210(d)” as a parenthetical
724.440(b)(2)	264.340(b)(2)	Added “of 40 CFR 63, Subpart EEE” for enhanced clarity; added a comma to offset the final element of a series
724.440(b) Board Note	264.340(b)	Added a Board note to explain the direct implementation of the federal MACT standards in Illinois
724.701 preamble	264.601 preamble	Retained the verb “are” in the passage “such terms and conditions as are necessary . . .”; used semicolons to separate elements of a series containing commas; added incorporation by reference language
725.440(b)(1)	265.340(b)(1)	Added incorporation by reference language; added commas to offset “under 40 CFR 63.1207(j) and 63.1210(d)” as a parenthetical
725.440(b)(2)	265.340(b)(2)	Reworded to active voice to parallel Section 724.440(b)(2) for enhanced clarity; added a comma to offset the final element of a series
725.440(b) Board Note	265.340(b)	Added a Board note to explain the direct implementation of the federal MACT standards in Illinois
726.200(b)(1)	266.100(b)(1)	Added incorporation by reference language; added commas to offset “under 40 CFR 63.1207(j) and 63.1210(d)” as a parenthetical
726.200(d)(1)	266.100(d)(1)	Used the singular “an owner or operator of a lead recovery furnace that is subject”; added “of 40 CFR 63, Subpart X” to enhance clarity; changed “must” to “shall”

726.200(d)(3)	266.100(d)(3)	Used the singular “an owner or operator of a lead recovery furnace that is subject”; added “of 40 CFR 63, Subpart X” to enhance clarity
726.200(h)	266.100(h)	Used the singular “an owner or operator of a lead recovery furnace that processes . . . and which is . . . is”; added “of 40 CFR 63, Subpart X” to enhance clarity; changed “to be exempt” to “to become exempt”; changed “must” to “shall”
726.201(c)(1)	266.101(c)(1)	Changed “storage and treatment” to “storage or treatment”
726.205(c)	266.105(c)	Used subscripts in the variables “P _c ” and “P _m ”; set forth variable definitions in separate lines
726.205(c)(3)	266.105(c)(3)	Changed the numeral to “seven”
726.212(b)(1)	266.112(b)(1)	Added the parenthetical reference to the defined abbreviation “(D/F)”; added “the documents referenced in”
726.212(b)(2)(A)	266.112(b)(2)(i)	Added the parenthetical reference to the defined abbreviation “(D/F)”; added “the documents referenced in”
726.212(b)(2)(A) Board note	266.112(b)(2)(i) note	Added an explanation of when the expiration of the federal administrative stay takes effect in Illinois
726. Appendix H	266, Appendix VIII	Retained spelling “tetrachloroethylene” in place of “tetra chloroethylene”
728.107(a)(3)(C)	268.7(a)(3)(iii)	Used “shall” in place of “must”; removed a comma after “facility” that separated a dependent clause from the subject of the sentence; used singular “a generator . . . is”
733.105(a)	273.5(a)	Changed “persons managing” to “persons that manage”; added a comma to offset the parenthetical “as described”
733.105(b)	273.5(b)	Changed “persons managing” to “persons that manage”
733.105(b)(1)	273.5(b)(1)	Added a comma to offset the parenthetical “as described”
733.109 “lamp”	273.9	Placed the defined term in quotation marks; used “or” in place of a comma and “also referred to as”; used “or” in place of “and”; changed “examples of common universal waste electric lamps” to “common examples of universal waste electric lamps”

733.113(d)	273.13(d)	Retained “manner” in place of “way”
733.113(d)(1)	273.13(d)(1)	Changed “any lamp” to “all lamps”; added comma to offset the final element of a series
733.113(d)(2)	273.13(d)(2)	Added a comma and “the small quantity handler shall” to create an independent clause; changed “containers” to “any container used”; added commas to offset the final element of series (twice)
733.132(b)(4)	273.32(b)(4)	Retained a conjunction before the final element of a series
733.132(b)(5)	273.32(b)(5)	Retained the conjunction “or” in place of “and” before the final element of a series
733.133(d)	273.32(d)	Retained “manner” in place of “way”
733.133(d)(1)	273.13(d)(1)	Changed “any lamp” to “all lamps”; added comma to offset the final element of a series
733.133(d)(2)	273.13(d)(2)	Added a comma and “the large quantity handler shall” to create an independent clause; changed “containers” to “any container used”; added commas to offset the final element of series (twice)

Table 2:
Board Housekeeping Amendments

Section	Source	Revision(s)
703.123	Board	Changed “who” to “that”
703.123(a)	Board	Changed “who” to “that”
703.123(b)	Board	Changed “who” to “that”
703.123(c)	Board	Changed “who” to “that”
703.123(h)(4)	Board	Changed “mercury-containing lamps” to federally-used “lamps”; changed citation to “733.105” to more closely correlate with the structure of the federal regulations
703.123(h)(4) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i> , including a reference to a <i>Federal Register</i> notice of an amendment; deleted the explanatory reference to Section 22.23a of the Act; adjusted the margin for the Note to correspond with the entire Section
703.161(a) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.161(b)	JCAR	Corrected subsection indent level
703.161(b) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.182(u) Board Note	JCAR	Updated the reference to the <i>Code of Federal Regulations</i>

703.182 Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.183(j)	Board	Added the introductory phrase “a description of the area”; added “traffic (twice)”; added the definite article “the”; added “area traffic”; changed “describe” to “a description of”; changed “show” to “an indication of”
703.205(c)(1)(C)	Board	Changed “U.S. EPA” to “USEPA”
703.205(c)(1)(D)	Board	Changed “U.S. EPA” to “USEPA”
703.205(c)(2)(F)	Board	Changed “system(s)” to “systems”
703.205(c)(3)	Board	Changed “above” to “of this Section”
703.205(c)(3)	Board	Changed “above” to “of this Section”
703.205(c)(5)	Board	Changed “burn(s)” to “burns”
703.205(c)(8)	Board	Changed “above” to “of this Section”
703.205 Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i> , including a reference to a <i>Federal Register</i> notice of an amendment; adjusted the margin for the Note to correspond with the entire Section
703.208(a)(1)(A)	Board	Changed “below” to “of this Section”
703.208(a)(1)(B)	Board	Changed “below” to “of this Section”
703.208(a)(2)(B)(ii)	Board	Changed the format of the incorporation reference language to the current Board-preferred format, “incorporated by reference in 35 Ill. Adm. Code 720.111,” offset by commas
703.208(a)(2)(B)(iii)	Board	Changed “above” to “of this Section”
703.208(a)(2)(B)(iv)	Board	Changed “above” to “of this Section”
703.208(a)(2)(B)(v)	Board	Changed “above” to “of this Section” (twice); corrected the spelling of “doses”
703.208(a)(4)	Board	Changed “above” to “of this Section” (twice)
703.208(a)(6)	Board	Removed erroneous sentence, “If data from a similar device . . . under similar conditions”
703.208(b)(3)	Board	Changed “fuel(s)” to “fuels”
703.208 Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i> , including a reference to a <i>Federal Register</i> notice of an amendment; adjusted the margin for the Note to correspond with the entire Section
703.220	Board	Renumbered Section 703.221 to Section 703.220 in order to accommodate the new preamble language to 40 C.F.R. 270.62 as Section 703.221
703.220(b)	Board	Added “must comply with all of the following requirements” to complete the introductory language
703.220(b)(1)	Board	Changed ending punctuation to a period
703.220(b)(2)	Board	Changed ending punctuation to a period
703.220(b)(3)	Board	Changed ending punctuation to a period
703.220(b)(4)	Board	Changed ending punctuation to a period

703.220(b)(5)(E)	Board	Changed ending punctuation to a period and removed the conjunction “and”
703.220(b)(7)	Board	Changed “which” to “that”
703.220 Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i> , including a reference to a <i>Federal Register</i> notice of an amendment; adjusted the margin for the Note to correspond with the entire Section
703.232(c)(2)(A)	Board	Changed the ending punctuation from a period to a semicolon
703.232(c)(2)(B)	Board	Changed the ending punctuation from a period to a semicolon; added the ending conjunction “and”
703.232(c)(3)(F)	Board	Changed “system(s)” to “systems”
703.232(c)(5)	Board	Changed “date(s)” to “dates”
703.232(e)	Board	Changed “constituent(s)” to “constituents”
703.232(f)(4)	Board	Changed “HCl/Chlorine gas” to “HCl and chlorine gas”; added a comma to offset the final element of a series
703.232(f)(5)	Board	Changed “HCl/Chlorine gas” to “HCl and chlorine gas”; changed “chlorine/chloride” to “chlorine and chloride”
703.232(g)	Board	Added “all of the following information”; added the definite article “the”
703.232 Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i> , including a reference to a <i>Federal Register</i> notice of an amendment; adjusted the margin for the Note to correspond with the entire Section
703.301(a) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.301(b)(3)	JCAR	Changed semicolons to commas for consistency (twice)
703.301(b) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.301(c) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.301(f)(1)	Board	Changed “hearing(s)” to “hearings”
703.303(a) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.303(b) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.303(c) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.303(d) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.303(e) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.303(f) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>

703.303(g)	JCAR	Changed “an RAP” to “a RAP”
703.303(g) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.303(h)	JCAR	Changed “a finally effective RAP” to “a final, effective RAP”
703.303(h) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(a) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(b) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(c) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(d)	JCAR	Removed unnecessary comma after “initiative”
703.304(d) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(e) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(e)(3) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(f) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(g) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304(h) Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i>
703.304 Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i> ; adjusted the margin for the Note to correspond with the entire Section
703.306(c)	JCAR	Changed “Subpart H of this Part” to “this Subpart H”
703.Appendix A (B)(2)	Board	Changed “quality assurance/control” to “quality assurance or quality control”
703.Appendix A (F)(1)(c)	Board	Added the introductory words, “modification or addition of container units”; deleted the reference to treatment predicated on the narrative standard of 40 C.F.R. 268.8, which no longer exists
703.Appendix A (F)(4)(a)	Board	Deleted the reference to treatment predicated on the narrative standard of 40 C.F.R. 268.8, which no longer exists
703.Appendix A (G)(1)(e)	Board	Deleted the reference to treatment predicated on the narrative standard of 40 C.F.R. 268.8, which no longer exists

703.Appendix A (G)(5)(c)	Board	Deleted the reference to treatment predicated on the narrative standard of 40 C.F.R. 268.8, which no longer exists
703.Appendix A (H)(5)(c)	Board	Deleted the reference to treatment predicated on the narrative standard of 40 C.F.R. 268.8, which no longer exists
703.Appendix A (J)(6)(c)	Board	Deleted the reference to treatment predicated on the narrative standard of 40 C.F.R. 268.8, which no longer exists
703.Appendix A Board Note	Board	Updated the reference to the <i>Code of Federal Regulations</i> ; adjusted the margin for the Note to correspond with the entire Section
720.110 “aboveground tank”	Board	Removed quotation marks from the word “tank” within the body of the definition
720.110 “Administrator”	Board	Changed “U.S.” to “United States”
720.110 “ancillary equipment”	Board	Changed “tank(s)” to “tanks”
720.110 “boiler”	Board	Changed “physical characteristics” to “boiler physical characteristics”; “section(s)” to “sections” (three times)
720.110 “losed portion”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “contingency plan”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “corrective action management plan” Board note	Board	Separated the Board note from the text of the definition
720.110 “designated facility”	Board	Changed “which” to “of which any of the following is true”; changed “has” to “the facility has” (three times) updated the reference to the <i>Code of Federal Regulations</i> (twice); changed “is” to “the facility is”; changed “which has” to “the facility has”; removed commas that separated “other than Illinois” into a parenthetical; changed “which” to “that” for a restrictive relative clause
720.110 “electric lamp”	Board	Replaced the previously-defined term “electric lamp” with the federally-defined term “lamp”; removed Board note
720.110 “existing hazardous waste management (HWM) facility”	Board	Changed “which” to “that” for a restrictive relative clause; added a semicolon to the end of the first sub-paragraph; changed “which” to “that” and removed unnecessary commas offsetting a restrictive relative clause in the second sub-paragraph

720.110 “existing tank system”	Board	Changed “which” to “that” and removed unnecessary commas offsetting a restrictive relative clause in the second sub-paragraph
720.110 “explosives or munitions emergency response specialist”	Board	Changed “U.S.” to “United States”; changed “U.S. DOD” to “USDOD” (twice)
720.110 “generator”	Board	Changed to singular “produces”
720.110 “hazardous waste constituent”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “incinerator”	Board	Changed “that” to “of which the following is true”; changed “uses” to “the facility uses”; added comma and added “it” to create an independent clause; changed “meets” to “the facility meets”
720.110 “incompatible waste”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “industrial furnace”	Board	Added semicolons (twelve times) and the conjunction “and” to separate the subparagraphs; changed :industrial furnace in lower case and removed the quotation marks
720.110 “infrared incinerator”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “inground tank”	Board	Removed quotation marks from the word “tank”
720.110 “in operation”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “inner liner”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “landfill cell”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “liner”	Board	Changed “which” to “that” and removed an unnecessary comma offsetting a restrictive relative clause
720.110 “manifest”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “mercury-containing lamp”	Board	Deleted the definition in favor of the definition of the federally-used term “lamp”; deleted the Board note referring to Section 22.23a of the Act
720.110 “military munitions”	Board	Changed “U.S.” to “United States” (five times); changed “U.S. DOE” to “USDOE”; changed “U.S. DOD” to “USDOD”
720.110 “new hazardous waste management (HWM) facility”	Board	Changed “which” to “that” for a restrictive relative clause; added a semicolon to the end of the first subparagraph; changed “which” to “that” and removed unnecessary commas offsetting a restrictive relative clause in the second sub-paragraph

720.110 “onground tank”	Board	Removed quotation marks form the word “tank” within the body of the definition
720.110 “manifest”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “partial closure”	Board	Changed federally-defined term “lamps”; corrected cross-reference to “733.105”; deleted Board note referring to Section 22.23a of the Act
720.110 “pesticide”	Board	Changed the ending punctuation of the subparagraphs to semicolons (twice); removed quotation marks from the word “pesticide” in the body of the definition
720.110 “plasma arc incinerator”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “qualified groundwater scientist” Board note	Board	Removed quotation marks from the words “state registration” and “professional certification”
720.110 “remediation waste”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “replacement unit”	Board	Removed quotation marks from the words “replacement unit” in the body of the definition
720.110 “representative sample”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “sludge dryer”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “small quantity generator”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “sump”	Board	Removed quotation marks from the words “sump” in the body of the definition
720.110 “surface impoundment”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “thermal treatment”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “totally enclosed treatment facility”	Board	Changed “which” to “that” for a restrictive relative clause
720.110 “treatability study”	Board	Changed the ending punctuation of the subparagraphs to semicolons (four times) and added the conjunction “and”; removed quotation marks from the words “treatability study” in the body of the definition
720.110 “treatment”	Board	Changed “such” to “the” (twice); deleted “so as to” (twice)
720.110 “underground tank”	Board	Removed quotation marks from the words “tank” in the body of the definition
720.110 “vessel”	Board	Removed unnecessary comma

720.110 “wastewater treatment unit”	Board	Changed “which” to “of which the following is true”; added “it” to open each subparagraph (three times); changed “which” to “that” for restrictive relative clauses (twice)
720.110 “water (bulk shipment)”	Board	Changed “which” to “that” for a restrictive relative clause
720.111(a) “NTIS” “APTI Course 415”	JCAR	Deleted unnecessary comma from the date
720.111(a) “ASTM” “ASTM Method G21-70”	JCAR	Replaced an em-dash with a comma
720.111(a) “ASTM” “ASTM Method G22-76”	JCAR	Replaced an em-dash with a comma
720.111(a) “NTIS” “Generic Quality Assurance . . .”	JCAR	Changed to lower case “document”; deleted unnecessary space from the document number
720.111(a) “NTIS” “Guideline on Air Quality Models”	JCAR	Removed unnecessary period; changed to lower case “document”
720.111(a) “NTIS” “Method 164, Revision A . . .”	JCAR	Removed unnecessary period; changed to lower case “document”; added missing closing parenthesis
720.111(a) “NTIS” “Methods for Chemical Analysis . . .”	JCAR	Removed unnecessary comma from the date; changed to lower case “document”; removed space from the document number
720.111(a) “NTIS” “Methods Manual . . .”	JCAR	Removed unnecessary comma from the date; changed to lower case “document”
720.111(a) “NTIS” “Petitions to Delist . . .”	JCAR	Removed unnecessary comma from the date; changed to lower case “document number”; removed space from the document number
720.111(a) “NTIS” “Screening Procedures . . .”	JCAR	Removed unnecessary comma from the date
720.111(a) “NTIS” “Test Methods . . .”	JCAR	Changed to lower case “document number”
720.111(a) “USDOD”	Board	Changed “U.S. DOD” to “USDOD”
720.111(a) “USGSA”	Board	Changed “U.S. GSA” to “USGSA”

720.111(b)	Board	Updated the reference to the <i>Code of Federal Regulations</i> (twenty times), including updating the <i>Federal Register</i> reference (once)
721. Authority note	Board	Added a reference to Section 7.2 of the Act
721.109(d)	Board	Changed federally-defined term “lamps”; corrected cross-reference to “733.105”; deleted Board note referring to Section 22.23a of the Act
721.138(a)(1)(B)	Board	Removed colon in the middle of the sentence
721.138(c)(1)(B)(ii)	Board	Changed “unit(s)” to “units”
721.138(c)(1)(C)(ii)	Board	Changed “code(s)” to “codes”
721.138(c)(1)(C)(iii)	Board	Changed “which” to “that” for a restrictive relative clause
721.138(c)(2)(C)	Board	Added “35 Ill. Adm. Code”
721.138(c)(7)(A)(ii)	Board	Changed “which” to “that” for a restrictive relative clause
721.138(c)(7)(A)(iii)	Board	Changed “which” to “that” for a restrictive relative clause
721.138(c)(7)(B)(ii)	Board	Changed “person(s)” to “persons”
721.138(c)(8)	Board	Moved the Board note to the end of the subsection
721.138(c)(8)(I)	Board	Changed “re-tested” to “retested”
721.138(c)(10)(H)(ii)	Board	Changed “person(s)” to “persons”
721.138(c)(10)(I)	Board	Changed ending punctuation to a semicolon
721. Appendix Y	Board	Changed to upper case abbreviation “NA” (three times); abbreviated “non-detect” to “NA” (151 times)
722.134(a)(1)(D)(i)	JCAR	Changed “with respecting” to “with respect to”
722.134(d)(5)(D)(i)	JCAR	Added end conjunction “and”
724.101(c)	Board	Changed “U.S.C.” to “USC”
724.101(g)(11)(D)	Board	Changed federally-defined term “lamps”; corrected cross-reference to “733.105”; deleted Board note referring to Section 22.23a of the Act
724.101(j)(3)(A)	Board	Changed “who” to “that”
724.101(j)(3)(B)	Board	Changed “who” to “that”
724.440(a)(2)	Board	Changed “who” to “that”
724.440(c)(1)(A)	Board	Deleted unnecessary ending conjunction “or”
724.440(c)(1)(B)	Board	Deleted unnecessary ending conjunction “or”
724.440(c)(1)(C)	Board	Added the missing words “as determined by the”
724.440(c)(2)	Board	Removed a comma and changed “which” to “that” for a restrictive relative clause
724.440(d)	Board	Changed “which” to “that” for a restrictive relative clause
724.701 preamble	Board	Changed “724.Subparts I through O and AA through CC” to “Subparts I through O and AA through CC of this Part”

724.701(b)(11)	Board	Corrected the spelling of “caused”
724.983(b)(1)	JCAR	Corrected “(c)(2)(F)” by adding a closing parenthesis
725.101(c)(11)(B)	Board	Changed “725.Subparts C and D” to “Subparts C and D of this Part”
725.101(c)(14)(C)	Board	Removed unnecessary conjunction “and”
725.101(c)(14)(D)	Board	Changed federally-defined term “lamps”; corrected cross-reference to “733.105”; deleted Board note referring to Section 22.23a of the Act
725.101(d)(3)	Board	Changed “725.Subpart L” to “Subpart L of this Part”
725.440(c)(1)(A)	Board	Deleted unnecessary ending conjunction “or”
725.440(c)(1)(B)	Board	Deleted unnecessary ending conjunction “or”
725.980(b)(5)	JCAR	Changed to capitalized “State”
725.980(b)(6)	JCAR	Corrected the title and added the missing citation to the federal “Nuclear Waste Policy Act of 1982”
725.984(b)(3)(C)	JCAR	Changed brackets to parentheses
725.984(b)(5)(C)(ii)	JCAR	Corrected the cross-reference to singular “subsection (a)(3)”
725.984(b)(5)(D)	JCAR	Added a closing period after the definition of the variable “j”
725.984(b)(6)(A)	JCAR	Corrected the cross-reference to lower case “appendix”
725.984(b)(6)(B)	JCAR	Added colon after “where”; added a closing period after the definition of the variable “ky”
725.984(b)(9)(C)	JCAR	Corrected the cross-reference to lower case “appendix”
725.984(c)(3)(B)(i)	JCAR	Corrected the cross-reference to lower case “appendix”
725.984(d)	JCAR, Board	Added the definite article, “the”, and “is as follows” to complete the preamble
725.984(d)(1)	JCAR	Added a comma to complete offsetting a parenthetical
725.987(c)(4)(C)	JCAR	Corrected “detected for” to “detected in”
725.987(d)(2)	JCAR	Changed “in or out of” to “into or out of”
725.987(d)(4)(C)	JCAR	Corrected “detected for” to “detected in”
726. Authority note	Board	Added a reference to Section 7.2 of the Act
726.200(d)(1)	Board	Deleted an unnecessary comma
726.200(d)(3)(A)	Board	Deleted an unnecessary period from the beginning of “Appendices”
726.200(d)(3)(A)(i)	Board	Changed a semicolon to a comma
726.200(d)(3)(A)(ii)	Board	Changed to lower case “toxicity characteristic”
726.200(i) “toxicity equivalence”	Board	Added “incorporated by reference”

726.201(c)(1)	Board	Changed to singular “an owner or operator . . . stores or treats . . . is”; changed “35 Ill. Adm. Code 724.Subparts A through L, 35 Ill. Adm. Code 725.Subparts A through L” to “35 Ill. Adm. Code 724 and 725”; changed “subsection (c)(2), below” to “subsection (c)(2) of this Section”; added “any”; changed to singular “facility operated by an intermediary (processor, blender, distributor . . .”
726.201(c)(2)	Board	Changed to singular “an owner or operator . . . burns . . . it generates is”; changed “35 Ill. Adm. Code 724.Subparts A through L, 35 Ill. Adm. Code 725.Subparts A through L” to “35 Ill. Adm. Code 724 and 725”; changed “subsection (c)(1), above” to “subsection (c)(1) of this Section”
726.205(a)	Board	Changed the format of the incorporation reference language to the current Board-preferred format, “incorporated by reference in 35 Ill. Adm. Code 720.111,” offset by commas; added “incorporated by reference in”; removed “(“eye”)”; added “of this Part”
726.212(b)(1)	Board	Changed “U.S. EPA” to “USEPA”
726.212(b)(1)(A)	Board	Added “incorporated by reference”; changed “Section 726.Appendix I” to “Appendix I of this Part”
726.212(b)(1)(B)	Board	Changed “subsection (b)(1)(A) above” to “subsection (b)(1)(A)e of this Section”
726.212(b)(2)(A)	Board	Changed “subsection (b)(1) above” to “subsection (b)(1) of this Section” (twice); changed “Section 726.Appendix G” to “Appendix G of this Part” (four times); changed “U.S. EPA” to “USEPA” (four times)
726.212(b)(2)(B)	Board	Deleted ending conjunction “and”
726.212(c)(2)	Board	Changed “subsection (b)(1) above” to “subsection (b)(1) of this Section”
728. Table of Contents	Board	Added a comma to the heading for Section 728.101
728. Authority note	Board	Added a reference to Section 7.2 of the Act
728. Source note	Board	Added a reference to “amended at 15 Ill. Reg. 11937, effective August 12, 1991”
728.101 heading	Board	Added a comma to the heading
728.101(c)(4)(A)(i)	Board	Changed “U.S.” to “United States”
728.101(d)	Board	Changed “U.S.C.” to “USC”
728.101(e)(3)	Board	Deleted unnecessary ending conjunction “or”
728.101(e)(4)	Board	Deleted unnecessary ending conjunction “or”
728.101(f)(3)	Board	Added ending semicolon

728.101(f)(4)	Board	Changed federally-defined term “lamps”; corrected cross-reference to “733.105”; deleted Board note referring to Section 22.23a of the Act
728.102 “RCRA corrective action”	Board	Changed to lower case “states”
728.102 “soil”	Board	Changed “U.S.” to “United States”
728.107(a)(6)	Board	Removed unnecessary conjunction “and”
728.107(b)(4)(E) certification	Board	Added a comma to complete offset of a parenthetical “as defined in 35 Ill. Adm. Code 728.102(i)”; moved “universal treatment standards”
728.107(b)(6)	Board	Removed extra parenthesis marks to correct cross-references to “subsection (b)(3)” (twice) and “subsection (b)(4)”
728.107(c)(2)	Board	Removed extra parenthesis mark following “35 Ill. Adm. Code 720.111”; added “35 Ill. Adm. Code” to cross-reference
728.109(d)(1)(B)	Board	Changed “group(s)” to “groups”
728.109(d)(3)(A)	Board	Added a comma to offset the parenthetical “if already complete”
728.140(a)(1)	Board	Removed quotation marks from the defined term “total waste standards” already in parentheses
728.140(a)(2)	Board	Removed quotation marks from the defined term “waste extract standards” already in parentheses
728.140(a)(3)	Board	Removed quotation marks from the defined term “technology standard” already in parentheses
728.140(b)	Board	Corrected cross-reference to “35 Ill. Adm. Code 720.111” (twice)
728.140(f)	Board	Corrected cross-reference to “35 Ill. Adm. Code 720.111”
728.140(i)	Board	Updated the reference to the <i>Code of Federal Regulations</i>
728.140(j)	Board	Changed a comma to a semicolon; deleted an unnecessary conjunction “and”
728.140(j) Board note	Board	Removed the explanatory note, since USEPA corrected the numbering error in the federal counterpart
728.Table T “D001”	Board	Placed the footnote number inside the punctuation in the column headings (twice)
728.Table T “F024”	JCAR	Corrected the spelling of “bis(3-ethylhexyl) phthalate”
728.Table T “K169”	Board	Changed “xylene(s)” to “xylenes”
728.Table T “K170”	Board	Changed “xylene(s)” to “xylenes”
728.Table T “K171”	Board	Changed “xylene(s)” to “xylenes”
728.Table T “K172”	Board	Changed “xylene(s)” to “xylenes”
728.Table T “P098”	Board	Removed period after “potassium cyanide”
728.Table T note 5	JCAR	Added comma to offset the parenthetical “except for . . .”; changed “upon” to “on” (twice)

728. Table T note 10	JCAR	Changed a comma to a semicolon
728. Table T Board note	JCAR	Updated the reference to the <i>Code of Federal Regulations</i> , including the <i>Federal Register</i> citation
733. Table of Contents	Board	Repealed Section 733.107
733. Authority note	Board	Added a reference to Section 7.2 of the Act
733.101(a)(3)	Board	Corrected the cross-reference to “Section 733.104”
733.101(a)(4)	Board	Changed federally-defined term “lamps”; corrected cross-reference to “733.105”; deleted Board note referring to Section 22.23a of the Act
733.102(a)(1)	Board	Changed “subsection (b) below” to “subsection (b) of this Section”
733.102(b)(2)	Board	Changed “subsection (c) below” to “subsection (c) of this Section”
733.103(a)	Board	Changed “subsection (b) below” to “subsection (b) of this Section”
733.103(a)(1)(A)	Board	Changed “U.S.C.” to “USC”
733.103(b)(1)	Board	Changed “subsection (a)(1) above” to “subsection (a)(1) of this Section”; changed “subsection (a)(2) above” to “subsection (a)(2) of this Section”
733.103(b)(2)	Board	Changed “subsection (a) above” to “subsection (a) of this Section”
733.103(b)(3)	Board	Changed “subsection (c) below” to “subsection (c) of this Section”; changed “subsection (d) below” to “subsection (d) of this Section”
733.103(b)(4)	Board	Changed “subsection (b)(3) above” to “see subsection (b)(3) of this Section”
733.103(c)(1)	Board	Changed “subsection (a)(1) above” to “subsection (a)(1) of this Section”
733.103(c)(2)	Board	Changed “subsection (a)(2) above” to “subsection (a)(2) of this Section”
733.103(d)(1)	Board	Changed “subsection (a)(1) above” to “subsection (a)(1) of this Section”
733.103(d)(2)	Board	Changed “subsection (a)(2) above” to “subsection (a)(2) of this Section”
733.104(a)	Board	Changed “subsection (b) below” to “subsection (b) of this Section”
733.104(b)(1)	Board	Changed “subsection (c) below” to “subsection (c) of this Section”
733.104(b)(2)	Board	Changed “subsection (b)(1) above” to “see subsection (b)(1) of this Section”
733.107	Board	Repealed the prior Section in favor of the new federally-derived provision at Section 733.105

733.108(a)	Board	Changed to singular “a person that manages . . . its option”; added “any of”; changed “them” to “the waste”
733.108(a)(1)	Board	Added “which” for subsequent restrictive relative clause
733.108(a)	Board	Changed to singular “a person that commingles”; added “any of”; changed “subsections (a)(1) and (a)(2) above” to “see subsections (a)(1) and (a)(2) of this Section”
733.109 “electric lamp”	Board	Deleted the definition in favor of the new federally-derived definition of “lamp”; deleted the Board note relating to Section 22.23a of the Act
733.109 “large quantity handler of universal waste”	Board	Changed “mercury-containing lamps” to the new federally-derived “lamps”; deleted the Board note relating to Section 22.23a of the Act
733.109 “pesticide”	Board	Corrected the cross-references to “35 Ill. Adm. Code 720.111” (three times); changed sub-paragraph ending punctuation to a semicolon (twice); added a comma after “35 Ill. Adm. Code 720.111” to offset a parenthetical
733.109 “small quantity handler of universal waste”	Board	Changed “mercury-containing lamps” to the new federally-derived “lamps”; deleted the Board note relating to Section 22.23a of the Act
733.109 “thermostat”	Board	Corrected the cross-references to “Section 733.113(c)(2)”
733.109 “universal waste”	Board	Changed “mercury-containing lamps” to the new federally-derived “lamps”; deleted the Board note relating to Section 22.23a of the Act
733.109 “universal waste handler”	Board	Removed quotation marks from the defined term as it appears in a sub-paragraph
733.113(a)	Board	Changed “way” to “manner”
733.113(a)(3)(B)	Board	Changed to upper case “State”
733.113(b)(2)	Board	Changed “subsection (b)(1) above” to “subsection (b)(1) of this Section”
733.113(c)(2)(G)	Board	Added the ending conjunction “and”
733.113(d)	Board	Changed “universal waste mercury-containing lamps” to the new federally-derived “lamps” (twice); deleted the subsections (d)(1)(A), (d)(1)(B), (d)(3) through (d)(5)(F), and the end Board note referencing section 22.23a of the Act
733.113(d)(1)	Board	Changed “mercury-containing lamps” to the new federally-derived “lamps”; deleted “at all times”
733.113(d)(2)	Board	Changed “universal waste mercury-containing lamps” to the new federally-derived “universal waste lamps”; deleted “at all times, . . . lamp breakage”
733.114(a)	Board	Changed “battery(ies)” to “batteries” (three times)
733.114(b)(2)	Board	Changed “pesticide(s)” to “pesticides” (twice)
733.114(c)(3)(B)	Board	Changed “subsection (c)(1)(A) above” to “subsection (c)(1)(A) of this Section”

733.114(c)(3)(C)	Board	Changed “subsections (c)(1)(A) and (c)(1)(B) above” to “subsection (c)(1)(A) and (c)(1)(B) of this Section”
733.114(c)(2)	Board	Changed “pesticide(s)” to “pesticides” (twice)
733.114(d)	Board	Changed “thermostat(s)” to “thermostats” (three times)
733.114(e)	Board	Changed “universal waste mercury-containing lamps” to the new federally-derived “lamp”; changed “lamp(s)” to “lamps” (three times)
733.132(a)(1)	Board	Changed “subsections (a)(2)and (a)(3) below” to “subsections (a)(2)and (a)(3) of this Section”
733.132(b)(4)	Board	Changed conjunction from “and ” to “or”; changed “mercury-containing lamps” to the new federally-derived “lamps”; added ending conjunction “and”
733.132(b)(5)	Board	Changed conjunction from “and ” to “or”; changed “mercury-containing lamps” to the new federally-derived “lamps”
733.132 Board note	Board	Deleted the reference to section 22.23a of the Act
733.133(a)	Board	Changed “way” to “manner”
733.133(a)(3)(B)	Board	Changed to upper case “State”
733.133(b)	Board	Changed “way” to “manner”
733.133(b)(2)	Board	Changed “subsection (b)(1) above” to “subsection (b)(1) of this Section”
733.133(c)	Board	Changed “way” to “manner”
733.133(c)(2)(G)	Board	Added the ending conjunction “and”
733.133(c)(3)(C)	Board	Changed to upper case “State”
733.133(d)	Board	Changed “universal waste mercury-containing lamps” to the new federally-derived “lamps” (twice); deleted the subsections (d)(1)(A), (d)(1)(B), (d)(3) through (d)(5)(F), and the end Board note referencing section 22.23a of the Act
733.133(d)(1)	Board	Changed “mercury-containing lamps” to the new federally-derived “lamps”; deleted “at all times”
733.133(d)(2)	Board	Changed “universal waste mercury-containing lamps” to the new federally-derived “universal waste lamps”; deleted “at all times, . . . lamp breakage”
733.134(a)	Board	Changed “battery(ies)” to “batteries” (three times)
733.134(b)(2)	Board	Changed “pesticide(s)” to “pesticides” (twice)
733.134(c)(1)(B)	Board	Changed “subsection (c)(1)(A) above” to “subsection (c)(1)(A) of this Section”
733.134(c)(1)(C)	Board	Changed “subsections (c)(1)(A) and (c)(1)(B) above” to “subsection (c)(1)(A) and (c)(1)(B) of this Section”
733.134(c)(2)	Board	Changed “pesticide(s)” to “pesticides” (twice)
733.134(d)	Board	Changed “thermostat(s)” to “thermostats” (three times)

733.134(e)	Board	Changed “Universal waste mercury-containing lamps” to the new federally-derived “lamps”; changed “in which the lamps” to “in which such lamps” changed “shall” to “must”; changed “lamp(s)” to “lamps” (three times)
733.134 Board note	Board	Removed the Board not referring to Section 22.23a of the Act
733.181(b)	Board	Added ending conjunction “or”

HISTORY OF RCRA SUBTITLE C AND UIC ADOPTION
ILLINOIS ENVIRONMENTAL PROTECTION 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 RCRA Subtitle C and UIC programs. It lists all Board actions taken to adopt and maintain these programs since their inception. 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 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 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.)
- R83-24¹ 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; published at 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.
- 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.

¹ 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).

- 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.
- 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.
- 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), R91-26; 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 and May 19, 1995) (Consolidated with R95-4) (June 1 and 15, 1995), R95-6; published at 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; published at 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) (June 17, 1999), R99-15; published at 23 Ill. Reg. 9094 (August 13, 1999), effective July 26, 1999.
- R00-5 RCRA Subtitle C Update, USEPA Regulations (January 1, 1999, through June 30, 1999) (December 2, 1999), R00-5; published at 24 Ill. Reg. 1063 (January 21, 2000), effective January 6, 2000.
- R00-13 RCRA Subtitle C Update, USEPA Regulations (January 1, 1999, through June 30, 1999) (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 Oil Company, Enviroite Corporation, USX Corporation, and Conversion Systems, Inc. (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 Enviroite Corporation (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 re Safety-Kleen Corporation, Petition for an Adjusted Standard*
(November 15, 1989), AS 89-4. (Dismissed.)

- AS 89-5 *In re Safety-Kleen Corporation, Petition for an Adjusted Standard* (July 3,
1990), AS 89-5. (Dismissed.)

- AS 90-7 *In re Petition of Quantum Chemical Company, USI Division, for an Adjusted*
Standard (July 11, 1991), AS 90-7. (Dismissed.)

- AS 96-11 *In re Petition of Chemetco, Inc. for an Adjusted Standard* (August 1, 1996),
AS 96-11. (Dismissed.)

- AS 97-2 *In re Petition of Chemetco, Inc. for an Adjusted Standard* (March 19, 1998),
AS 97-2. (Denied.)

- AS 97-9 *In re Petition of Recycle Technologies, Inc. for an Adjusted Standard*
(September 3, 1998), AS 97-9. (Granted.)

- AS 99-3 *In re Petition of Big River Zinc Corporation for an Adjusted Standard*
(April 15, 1999), AS 99-3. (Granted.)

- AS 00-1 *In re Petition of Horsehead Resource Development Company, Inc. for an*
Adjusted Standard (August 5, 1999), AS 00-1. (Dismissed.)

- AS 00-2 *In re Petition of Horsehead Resource Development Company, Inc. for an*
Adjusted Standard, (February 17, 2000), AS 00-2. (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 re Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting*
(February 6, 1992), AS 91-1. (Granted.)

- AS 91-3 *In re Petition of Peoria Disposal Company for an Adjusted Standard*
(February 4, 1993), AS 91-3. (Granted.)

- AS 93-7 *In re Petition of Keystone Steel & Wire Company for an Adjusted Standard*
(February 17, 1994), AS 93-7. (Granted.)

AS 94-10 *In re* Petition of Envirite Corporation for an Adjusted Standard (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 re* Petition of Marathon Petroleum Company for an Adjusted Standard to Allow Land Disposal of a Waste Prohibited (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 re* Petition of Olin Corporation for an Adjusted Standard (Related to Closure and Post Closure of RCRA Regulated Surface Impoundments) (February 27, 1992), AS 90-8. (Granted.)

AS 91-4 *In re* Petition of Amoco Oil Company for an Adjusted Standard (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 re* Petition of Marathon Petroleum Company for an Adjusted Standard to Allow Land Disposal of a Waste Prohibited (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 re* Petition of Cabot Corporation for an Adjusted Standard (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 re* Petition of Ensign-Bickford Company for an Adjusted Standard (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 re* Shell Wood River Refining Company for an Adjusted Standard (May 15, 1997), AS 97-3. (Granted.)

AS 98-6 *In re* Wood River Refining Co., a Division of Equilon Enterprises LLC, f/k/a Shell Wood River Refining Co., for an Adjusted Standard (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, effective August 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 Illinois Environmental Protection Agency (IEPA). The Board adopted such amendments to the Illinois hazardous waste rules on April 2, 1998, effective April 15, 1998. 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 (January 30, 1986) (Phase II authorization), effective January 31, 1986

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

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

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

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

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

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

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

61 Fed. Reg. 40520 (August 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.
- 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; published at 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.)
- R00-3 UIC Update, USEPA Regulations (January 1, 1999, through June 3, 1999)
(August 19, 1999), R00-3. (Dismissed; no USEPA amendments in the update period.)
- R00-11 UIC Update, USEPA Regulations (July 1, 1999, through December 31, 1999),
R00-11. (Reserved docket.)

The Board has twice 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 re* Petition of Cabot Corporation for Adjusted Standard (February 17, 1994), AS 92-8. (Granted; no migration exception.)
- AS 96-3 *In re* Petition of Cabot Corporation for Adjusted Standard (March 7, 1996), AS 92-8. (Granted modification of *In re* Petition of Cabot Corporation for Adjusted Standard (February 17, 1994), AS 92-8. (No migration exception.))

USEPA authorized the Illinois UIC program on March 3, 1984, at 49 Fed. Reg. 3991 (February 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 (October 25, 1988) and 56 Fed. Reg. 9414 (March 6, 1991).

Illinois Environmental Protection IEPA 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.

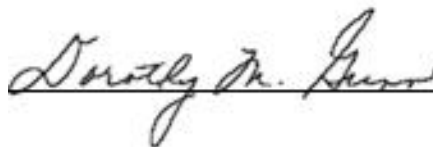
In some identical-in-substance rules, certain decisions pertaining to a permit application are not appropriate for the IEPA to consider. In determining the general division of authority between the IEPA and the Board, the following factors should be considered:

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 IEPA 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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above opinion was adopted on the 2nd day of March 2000 by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board