ILLINOIS POLLUTION CONTROL BOARD April 11, 1991

IN THE MATTER OF:) R90-17 RCRA DELISTINGS) (Identical in substance) Rulemaking)

ORDER OF THE BOARD (by J. Anderson):

On February 28, 1991, the Board adopted a final Opinion and Order in this matter, allowing post-adoption comment for 30 days. The Board has received no post-adoption comment, but on its own motion is hereby reconsidering and amending the February 28, 1991, Opinion and Order in order to better assure proper notice.

Since February 28, an administrative problem was identified when an adjusted standard petition was filed pursuant to the adopted rules. The Board will modify the adopted rules to correct the problem, as detailed below, and will file the rules with the Secretary of State as soon as possible.

The new delisting adjusted standards rules require the Clerk of the Board to send all opinions and orders to two USEPA offices, Region 5 and "headquarters". However, the rules do not require the petitioner to label the petition as a "RCRA delisting adjusted standard". Adding this identifying label will alert our Clerk's Office, which handles a large quantity of filings in a sizeable number of categories, of the need for special notification. The Board will therefore add the following sentence to Section 720.122(n): "The petition must be clearly labeled as a RCRA delisting adjusted standard petition." The result will be that Section 720.122(n) will read as follows:

- n) Delistings which have not been adopted by USEPA may be proposed to the Board pursuant to a petition for adjusted standard pursuant to 35 Ill. Adm. Code 106.Subpart G. The justification for the adjusted standard is as specified in subsections (a) et seq., as applicable to the waste in question. The petition must be clearly labeled as a RCRA delisting adjusted standard petition.
 - 1) In accordance with 35 Ill. Adm. Code 106.710, the petitioner shall serve copies of the petition, and any other documents filed with the Board, on USEPA at the following addresses:

USEPA Office of Solid Waste and Emergency Response Washington, D.C. 20460

USEPA, Region V 230 S. Dearborn Street Chicago, IL 60604

- 2) The Board will mail copies of all opinions and orders to USEPA at the above addresses.
- 3) In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in 35 Ill. Adm. Code 721.Appendix I, a listing of all adjusted standards granted by the Board.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the <u>172</u> day of <u>April</u>, 1991, by a vote of <u>7-0</u>.

Dorothy M. Gunn, Clerk Illinois Pollution Control Board