

ILLINOIS POLLUTION CONTROL BOARD

January 13, 1983

In the matter of: )  
 )  
 Amendments to Phase I ) R82-18  
 RCRA Rules )

FINAL ORDER. ADOPTED RULE

OPINION AND ORDER OF THE BOARD (by D. Anderson):

On September 15, 1982 the Board sent the Illinois Environmental Protection Agency (Agency's) proposal for amendments to the Phase I RCRA rules to first notice. These appeared at 6 Ill. Reg. 12,377, October 15, 1982.

The Board adopted the final Phase I RCRA rules on February 4, 1982 (R81-22, 45 PCB 315, 6 Ill. Reg. 4828, April 23, 1982). These became effective on May 17, 1982 when USEPA granted Phase I interim authorization to Illinois.

In a related action the Board adopted the underground injection control regulations in R81-32. These appeared as adopted rules at 6 Ill. Reg. 12,479, 12,655, October 15, 1982.

This proposal brings the RCRA rules up to date with amendments to the corresponding federal regulations as follows:

<u>35 Ill. Adm. Code</u>	<u>40 CFR</u>	<u>Federal Register</u>
721.103	261.3	46 Fed. Reg. 56,582
722.110	262.10	47 Fed. Reg. 1248
722.134	262.34	47 Fed. Reg. 1248
725.101	265.1	47 Fed. Reg. 8304
725.190	265.90	47 Fed. Reg. 1254
725.240 et seq.	265.140 et seq.	47 Fed. Reg. 15,032
		47 Fed. Reg. 16,544
725.412	265.312	46 Fed. Reg. 56,592
		47 Fed. Reg. 8304
725.414	265.314	46 Fed. Reg. 56,592
		47 Fed. Reg. 8304
		47 Fed. Reg. 12,316
725.440	265.340	47 Fed. Reg. 27,520
725.447	265.347	47 Fed. Reg. 27,520

Amendments to the federal rules which have been adopted since this proposal was filed will be handled in connection with the Phase II RCRA proposal in R82-19.

In addition to the recent federal amendments, the Agency proposed that the Board correct the spelling of "malononitrile" in 35 Ill. Adm. Code 721.133.

In that this proposal involves amendments which keep the Illinois regulations identical in substance with the corresponding federal rules, the abbreviated procedures of Section 22.4(a) of the Environmental Protection Act (Act) may be used. This rulemaking is not subject to the hearing or economic impact study requirements of the Act, or to the notice requirements of the Administrative Procedure Act. The Board nonetheless utilized the Illinois Register for publication and solicitation of comments.

The Board received comments only from the Administrative Code Unit relating to the form of source and authority notes.


The Board will therefore adopt the Agency proposal with editorial changes and with the following additions:

1. An incorrect reference to "Part 703" will be changed to "Part 704" in Section 700.106. This error was made in the UIC rules published at 6 Ill. Reg. 12,655, October 15, 1982.
2. Section 725.251 will be added to state the Agency's authority to promulgate forms pursuant to Section 39 of the Act to implement the financial responsibility regulations. These are set out at length at 40 CFR 265.140 et seq. in the sections which are incorporated by reference into the Board rules. Standardized forms will avoid having to place this lengthy material into the text of the rules, and should be cheaper for industry to comply with.

The Board hereby adopts the proposal as indicated above. The Clerk is directed to file the rules with the Secretary of State. A copy of the final rules will be attached to this Order, except that only a summary of changes to Section 721.133 will be attached. The filing of the rules is subject to final approval by the Administrative Code Unit.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15<sup>th</sup> day of June, 1983 by a vote of 5-3.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board

Section 721.133 Discarded Commercial Chemical Products,  
Off-specification Species, Containers and  
Spill Residues

(The following is a summary of amendments to Section 721.133 to be published in the Opinion volume in lieu of the entire text, which will appear in the Illinois Register:)

1. "Of this section" deleted where unnecessary.
2. ";" changed to ":" in Section 721.133(c).
3. Comments have been enclosed in parentheses.
4. U149 ~~Malonitrile~~ Malononitrile