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From: "Scott Phillips" <Scott.Phillips@epa.state.il.us>
To: <mccambm@ipcb.state.il.us>
Date: 8/4/2006 3:32:28 PM
Subject: Typo Found in 35 Ill. Adm. Code 725.153

STATE OF ILLINOIS
Pollution Control Board

R06-16/
R06-17/
R06-18

Mike,
We recently ran across what appears to be a typo in 35 Ill. Adm. Code 725.153. The Board's rule states:

"A copy of the contingency plan and all revisions to the plan must be disposed as follows ..."

<http://www.ilga.gov/commission/jcar/admincode/035/035007250D01530R.html>

PC #2

USEPA's analogous rule in 40 CFR 265.53 states:

"A copy of the contingency plan and all revisions to the plan must be ..."

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=3a29878892b194b0cc05a8934f5e9244&rgn=div8&view=text&node=40:25.0.1.1.6.4.1.4&idno=40>

The use of the word "disposed" in Section 725.153 appears to be an inadvertent error or typo since it makes no sense in that context. The word "disposed" first appeared in Section 725.153 when the Board amended the language of the rule in R05-02.

This provision has recently become an issue in a pending enforcement matter that we will soon be filing in circuit court. Can we put this on the list of rules to amend the next time we do a RCRA identical-in-substance rulemaking?

Please give me a call at 217-782-9845 if you have any questions.

Thanks.
Scott