

ILLINOIS POLLUTION CONTROL BOARD
March 19, 1981

IN THE MATTER OF:)
)
STANDARDS APPLICABLE TO OWNERS)
AND OPERATORS OF HAZARDOUS WASTE) R81-14
TREATMENT, STORAGE, AND DISPOSAL)
FACILITIES)

ORDER OF THE BOARD (by J.D. Dumelle):

On January 12, 1981, the United States Environmental Protection Agency (USEPA) promulgated Interim Final Regulations governing financial responsibility by owners and operators of hazardous waste disposal sites. This promulgation triggers the mandate of Section 22.4 of the Environmental Protection Act (Act) requiring the Board to adopt state standards which are "identical in substance" to the federal requirements. Section 22.4 waives the rulemaking provisions of Title VII of the Act and of Section 5 of the Illinois Administrative Procedure Act, allowing these regulations to be adopted by the "pass-through" method, in the same manner as New Source Performance Standards are "passed-through" pursuant to Section 9.1 of the Act.

Since Illinois will probably be authorized to take over enforcement of the Resource Conservation and Recovery Act of 1976 (RCRA), the Board will have to "pass-through" federal regulations promulgated pursuant to 40 CFR Parts 260-265. Since the rules will not be promulgated sequentially, each of the CFR parts will be assigned a separate part number of Chapter 9: Special Waste Hauling Regulations. Those CFR parts which are not being "passed-through" pursuant to this Order will be reserved a part in Chapter 9 such that upon the completion of "pass-through" process, the state regulations will exactly track the federal framework.

Thus, federal promulgations under 40 CFR Part 260 will become Part X of Chapter 9, promulgations under 40 CFR Part 261 will become Part XI of Chapter 9, and so on up to 40 CFR Part 265 which will become Part XV of Chapter 9.

Rules listed under the various parts of Chapter 9 will track federal subparts and will be numbered so as to correspond to the alphabetical ordering of the subparts. Thus, Rule 1001, which will be the first rule under Part X (note that the first two digits of the rule number reflect the part number) will correspond to Subpart A of 40 CFR Part 260, Rule 1002 will correspond to Subpart B of 40 CFR Part 260, and so on.

By this Order the Board is "passing-through" Subparts G and H of 40 CFR Parts 264 and 265, which correspond to Rules 1407 and 1408, and 1507 and 1508, respectively. These rules involve financial responsibility and closure and post-closure requirements for hazardous waste site operations. Citations to the rules are given below:

1. Rule 1407; 40 CFR Part 264, Subpart G; 46 Fed. Reg. 2849-2851;
2. Rule 1408; 40 CFR Part 264, Subpart H; 46 Fed. Reg. 2851-2866;
3. Rule 1507; 40 CFR Part 265, Subpart G; 46 Fed. Reg. 2875-2877: and
4. Rule 1508; 40 CFR Part 265, Subpart H; 46 Fed. Reg. 2877-2888.

Pursuant to Section 22.4 of the Act, the Board hereby adopts the above-noted rules in Parts XIV and XV of Chapter 9.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of March, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board