

ILLINOIS POLLUTION CONTROL BOARD

May 1, 2008

IN THE MATTER OF:)
)
RCRA SUBTITLE C UPDATE, USEPA) R08-16
REGULATIONS (July 1, 2007 through) (Identical-in-Substance Rulemaking -
December 31, 2007)) Land)

Proposed Rule. Dismissal Order.

ORDER OF THE BOARD (by G.T. Girard):

Sections 7.2 and 22.4(a) of the Environmental Protection Act (415 ILCS 5/7.2 and 22.4(a) (2006)) require the Board to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2005)). USEPA has codified the federal hazardous waste rules as 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279.

The Board reserved this docket for USEPA amendments during the period of July 1, 2007 through December 31, 2007. During that time period, USEPA amended its hazardous waste regulations one time, on July 18, 2007. The sole subject of those amendments is “chat” used in federally funded highway projects. This is a material produced in southwest Missouri, southeast Kansas, and northeast Oklahoma. It is used in making asphalt-based road materials, Portland cement, and epoxy traction coatings. There is no indication that it is used in Illinois.

By an order dated March 6, 2008, the Board requested comment before making a determination that no action is necessary and dismissing this docket. The Board received no comments in response to that order.

By this order, the Board determines that no action is necessary in response to the July 18, 2007 USEPA amendments. The Board dismisses this docket. *See* 415 ILCS 5/7.2(a)(1) (2006).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 1, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board