

MAY 27 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	R03-18
RCRA SUBTITLE C UPDATE, USEPA)	(Identical-in-Substance
AMENDMENTS (July 1,2002 through)	Rulemaking – Land)
December 31, 2002))	

NOTICE OF FILING

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Matthew J. Dunn, Chief
Environmental Bureau
Office of the Attorney General
James R. Thompson Center
100 West Randolph, 12th Floor
Chicago, Illinois 60601

Michael J. McCambridge, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Jonathan Furr, Chief Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Attached Service List

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency's Comments for the above-titled proceeding, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: Mark Wight
Mark Wight
Assistant Counsel

DATE: May 23, 2003

1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
MAY 27 2003

IN THE MATTER OF:)
)
RCRA SUBTITLE C UPDATE, USEPA) R03-18
AMENDMENTS (July 1,2002 through) (Identical-in-Substance
December 31, 2002)) Rulemaking – Land
)

STATE OF ILLINOIS
Pollution Control Board

AGENCY'S COMMENTS

The Illinois Environmental Protection Agency ("Agency") respectfully submits its comments in the above-titled matter to the Illinois Pollution Control Board ("Board") pursuant to 35 Ill. Adm. Code 102.108 and 102.610 and the Board's Opinion and Order of March 20, 2003.

In response to the Board's request for comments on the exclusion of certain secondary materials from the definition of solid waste (Bd. Opin. at 6-7), the Agency agrees that the Board's structural and stylistic changes are consistent with the federal amendments set forth at 40 C.F.R. 261.4(a)(20). Concerning the substantive aspects of the revisions, the notification and handling requirements are acceptable, but the Agency has not conducted the research necessary to determine if the contaminant limits for metals and dioxins specified for zinc fertilizers made from hazardous waste are appropriate limits.

With regard to the Board's request for comment on the national treatability variance for radioactively contaminated batteries (Bd. Opin. at 7-8), the Agency supports the incorporation of the variance.

Concerning the request for comments on the incorporation of corrections to the hazardous waste combustor rule (Bd. Opin. at 8-9) and the updated analytical methods in 40 C.F.R. 136

Section 726.206(c)(5): In the revised language, change "owners" to "owner."

Section 726.209(a)(2)(C)(ii): In the revised language, change "owners" to "owner."

Section 728.107(e): In the revised language, change "generators" to "generator."

Finally, the Agency wishes to call to the Board's attention a correction not based on current federal amendments. In 35 Ill. Adm. Code 721.103(d), the subsection referenced in the introductory language and in subsection (d)(2) should be subsection (e) rather than subsection (c). This is supported by the Board Note at the end of Section 721.103(e) and by a comparison with 40 C.F.R. 261.3(c) and (d) (2002).

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Mark Wight
Mark Wight
Assistant Counsel

Date: May 23, 2003

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P.O. Box 19276
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(217) 782-5544

THIS DOCUMENT SUBMITTED ON RECYCLED PAPER

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Comments of the Illinois Environmental Protection Agency upon the persons to whom it is directed by placing copies in envelopes addressed to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218
(FIRST CLASS MAIL)

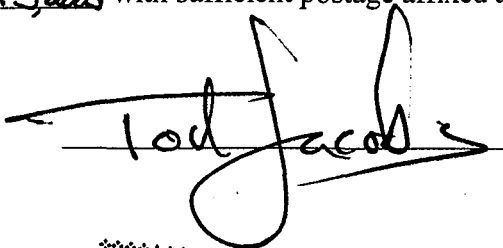
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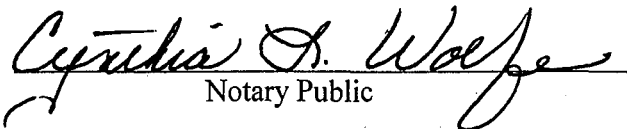
Attached Service List
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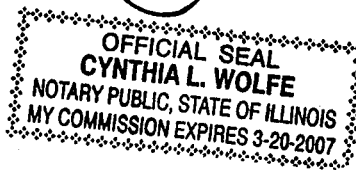
and mailing them from Springfield, Illinois on May 23, 2003 with sufficient postage affixed as indicated above.



SUBSCRIBED AND SWORN TO BEFORE ME

this 23rd day of May, 2003.


Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

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