

## Therriault, John

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**From:** McCambridge, Michael  
**Sent:** Wednesday, September 02, 2015 3:20 PM  
**To:** 'Westefer, Gary'  
**Cc:** Burke, Jennifer; Therriault, John  
**Subject:** RE: R2016-007



ORIGINAL

PCH 3

Thank you. I will examine this and make necessary corrections. It may be also that my current work on the adjustment factors could result in other corrections.

If you have a chance to look into a source for the constituent-specific adjustment factors, let me know what you find.

John Therriault: Please replace the earlier e-mail with this one as a public comment in R16-7.

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**From:** Westefer, Gary [mailto:westefer.gary@epa.gov]  
**Sent:** Wednesday, September 02, 2015 3:10 PM  
**To:** McCambridge, Michael  
**Subject:** RE: R2016-007

OK Mike: These are 268.40 (basically 728 Table T) corrections. You do not need to address the federal errors (in green) as you made the correct entry. I put those in there in case you noticed a discrepancy, to let you know your rule is correct in that situation.

728 Table T (268.140, 141, 142, 143)

The first one was a federal error that was corrected in the FR on May 26, 1998:  
D010 Illinois needs to add and meet Section 728.148 standards following the 0.82 in the Wastewaters column

You do not need to address this one:  
F039 Federal Error 3,4 should be 3.4 for the chemical Acenaphthylene. Illinois is correct.

F039, Illinois is missing the entry Octachlorodibenzofuran (OCDF) (note no CAS number or concentration for this entry)

K049 Under Chrysene Federal has a CAS number of 218-01-9. Illinois has 2218-01-9. Illinois needs to correct this.  
K051 Same error as in K049

Note the above two were probably copied from the Federal Register, they were originally a federal error that was later corrected (sometime between 1999 and 2010).

You do not need to address these two:  
K095 Federal Error Trichlorethylene Illinois is correct with 79-01-6. Federal error has 79-01-1.  
K096 Federal Error Pentachloroethane Illinois is correct with 76-01-7. Federal error has 76-01-1.

These two came from rule revision 151 on April 8, 1996:  
K156 State error The CAS number for Carbaryl should be 63-25-2. Illinois errantly has it at 63-25-21.  
K158 Illinois is missing the entry for Benomyl 17804-35-2, 0.056, 1.4

These were also originally federal errors corrected sometime between 1999 and 2010 (probably as part of Rule Revision 214 – corrections rule):

P056 Flouride State error The CAS number should be 16984-48-8. Illinois has 16964-48-8.

U085 Diepoxybutane Illinois has 1,2:3,4 Diepoxybutane, instead of 1,2,3,4 Diepoxybutane. Replace the colons with commas.

U404 Triethylamine State error Illinois has CAS number at 101-44-8. The correct number is 121-44-8.

These are 261 errors and are not part of ARA 9, so timeframe is not tight. Correct these when you open 261 for other rules:

The federal errors are our problem, your rule is correct.

721 Appendix H

<u>Illinois</u>	<u>U.S. EPA</u>	<u>Error</u>
2-Acetylaminofluorene	2-Acetylaminofluarone	Federal per 261.33 comparison
Ammonium Vanadate U119	P119	Illinois
Benzene U018	U019	Illinois
Ethylene dichloride ----	U077	Illinois needs to add U077
Ethyl Ziram U407	-----	Federal missing U407
Nitrobenzene P078	U169	Illinois as U169 is also in 261.33/268.40

**From:** McCambridge, Michael [<mailto:Michael.McCambridge@illinois.gov>]

**Sent:** Wednesday, September 02, 2015 2:29 PM

**To:** Westefer, Gary

**Cc:** Thigpen, Charlene; Burke, Jennifer

**Subject:** RE: R2016-007

Please submit the corrections to me, and I will add them.

Odd that you should inquire just now. I have been working on chemical names and CAS numbers in another context of the DSWR. The provision in 40 C.F.R. 261.1084(a)(3)(iii) that allows use of "constituent-specific adjustment factors," which EPA HQ copied from 40 C.F.R. 265.1084(a)(3)(iii), is problematic. It states that the factors are obtained from the EPA "Waste and Chemical Processes Group, Office of Air Quality Planning and Standards." I cannot find that Group. The last reference in any *Federal Register* notice to that group was in December 2015.

I contacted the Office of Air Quality Planning and Standards, and they could not locate a successor office for me. I contacted Tracy Atagi, the "further information" contact in the *Federal Register* notice for the DSWR. Her response led me to believe that she thinks I am asking a primacy question. So, I have been gathering various "constituent-specific adjustment factors" that I found in EPA documents, correcting chemical names to mostly IUPAC nomenclature, and either adding or correcting the CAS numbers for the more than 1,300 compounds for which I found an adjustment factor.

Since you are familiar with the limitations the Illinois law imposes on our rulemaking, I am sure you will understand the issues that I am dealing with. First, there is the issue of the now-non-existent source for the adjustment factors. Second, there is the possible problem that the clause about obtaining the factors from EPA would appear to bypass an incorporation by reference. Third, if we are to incorporate anything by reference, I need to use existing document. Fourth, if we cannot incorporate by reference, from what source can we obtain viable adjustment factors to include in the Illinois regulations? Finally, if I cannot find adjustment factors, what would be the impact of removing the provision that allows use of "constituent-specific adjustment factors"?

Can you ferret out any information for me or identify any person I might ask?

**John Therriault:** Please add this e-mail as a public comment in docket R16-7.

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**From:** Westefer, Gary [<mailto:westefer.gary@epa.gov>]  
**Sent:** Wednesday, September 02, 2015 1:33 PM  
**To:** McCambridge, Michael  
**Subject:** RE: R2016-007

Mike: I know you are working on this docket as you queried Tracy on the DSW rule. While the docket is open, is it hard to correct some 268.40 and 261.33 errors (largely typos).

The 268.40 stuff is largely CAS numbers, and a few other items. There aren't many and some of them are our errors that we corrected. It is all in Table T.

261.33, and 261 appendix H are similar, largely chemical waste codes, CAS numbers or typos in chemical spelling. They don't have to be in R2016-007 as they are already authorized and the timeframe is not an issue.

The 268.40 are the only ones with a time issue as they are in the LiSA (List of sections affected) for Illinois' ARA 9.