

ILLINOIS POLLUTION CONTROL BOARD  
April 1, 2004

IN THE MATTER OF: )  
 ) R04-16  
RCRA SUBTITLE C UPDATE, USEPA ) (Identical-in-Substance  
AMENDMENTS (July 1, 2003 through ) Rulemaking - Land  
December 31, 2003) )

Proposed Rule. Proposal for Public Comment.

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

**SUMMARY OF TODAY'S ACTION**

This identical-in-substance rulemaking would update the Illinois hazardous waste regulations to incorporate revisions to the federal regulations. The federal amendments that prompted this action were made by the United States Environmental Protection Agency (USEPA) during the period of July 1, 2003 through December 31, 2003. This proceeding proposes amendments to 35 Ill. Adm. Code 721 and 739. This proposal for public comment would also make a series of non-substantive corrections and stylistic revisions to segments of the text of 35 Ill. Adm. Code 739 that are not otherwise affected by the covered federal amendments.

Sections 7.2 and 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.4(a) (2002)) require the Board to adopt regulations that are "identical in substance" to hazardous waste regulations adopted by the 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.* (2000)).

Sections 7.2 and 22.4(a) provide for quick adoption of regulations that are identical in substance to federal regulations that USEPA adopts to implement Sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-6925 (2000)). Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2002)) do not apply to the Board's adoption of identical-in-substance regulations. The federal RCRA Subtitle C regulations are found at 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279.

This opinion supports an order that the Board also adopts today. The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication. The Board presently intends to adopt final amendments based on this proposal in June 2004.

**FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING**

The following listing briefly summarizes the federal actions considered in this RCRA Subtitle C update rulemaking:

**Docket R04-16: July 1, 2003 through December 31, 2003,**  
**RCRA Subtitle C Amendments**

USEPA amended the federal RCRA Subtitle regulations on one occasion during the period July 1, 2003 through December 31, 2003, as is summarized below:

**July 30, 2003 (68 Fed. Reg. 44659)**

USEPA adopted a number of corrective and clarifying amendments to the used oil management standards.

**No Later RCRA Subtitle C (Hazardous Waste) or UIC**  
**Amendments of Interest to Date**

The Board engages in ongoing monitoring of federal actions. As of the date of this opinion and accompanying order, the Board has identified no other USEPA actions since December 31, 2003 that further amend the RCRA Subtitle C hazardous waste rules in a way that would require immediate Board attention.

When the Board observes an action outside the nominal timeframe of a docket that require expedited consideration, the Board will expedite consideration of those amendments in the pending docket. Federal actions that could warrant expedited consideration include those that directly affect the amendments involved in this docket, those for which compelling reasons would warrant consideration as soon as possible, and those for which the Board has received a request for expedited consideration. If the Board identifies any additional federal actions that fulfill these criteria prior to final action on the present amendments, we may include those amendments in the present docket R04-16.

**Other Federal Actions Having a Direct Impact on the**  
**Illinois RCRA Subtitle C Regulations**

In addition to the amendments to the federal RCRA Subtitle C regulations, amendments to certain other federal regulations occasionally have an effect on the Illinois hazardous waste rules. Most notably, 35 Ill. Adm. Code 720.111 includes several incorporations of federal regulations by reference. The incorporated regulations include segments of various USEPA environmental regulations and United States Department of Transportation hazardous materials transportation regulations that USEPA has incorporated into the federal hazardous waste rules.

As of the date of this proposal for public comment, the Board has found two sets of amendments to the incorporated materials. Those are the following actions:

**68 Fed. Reg. 43272 (July 21, 2003)**

USEPA approved new methods for microbiological analysis of water and wastewater.

**68 Fed. Reg. 54934 (September 19, 2003)**

USEPA corrected its July 21, 2003 approval of new methods for microbiological analysis of water and wastewater.

The July 21, 2003 and September 19, 2003 updates to the methods for microbiological analysis of water and wastewater will not require Board action to update the version of 40 C.F.R. 136 incorporated by reference. Microbiological testing is not used in the implementation of the RCRA Subtitle C regulations.

**Summary Listing of the Federal Actions Forming the Basis  
of the Board's Actions in These Consolidated Dockets**

Based on the foregoing, the federal actions that form the basis for Board action in this update docket are the following, listed in chronological order:

July 30, 2003 (68 Fed. Reg. 44659)	Corrective and clarifying amendments to the used oil management standards
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**PUBLIC COMMENTS**

The Board will receive public comments on this proposal for a period of 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adoption of the amendments, making any necessary changes made evident through the public comments. The Board will delay filing any adopted rules with the Secretary of State for 30 days after adoption, particularly to allow additional time for USEPA to review the adopted amendments before they are filed and become effective.

**TIMETABLE FOR COMPLETION OF THIS RULEMAKING**

Under Section 7.2 of the Act (415 ILCS 5/7.2(b) (2002)), the Board must complete this rulemaking within one year of the date of the earliest set of federal amendments considered in this docket. USEPA adopted the earliest federal amendments that required Board attention on July 24, 2002, so that the deadline for Board adoption of these amendments is July 24, 2003. The Board scheduled adoption of this proposal for public comment for the Board meeting of March 20, 2003, to allow for timely adoption of the rule around June 5, 2003. This will allow filing of these amendments after July 5, 2003 and before the July 30, 2003 deadline.

Considering the proposal of these amendments on this date, the Board projects the following will occur in the progress towards completion of these amendments:

Due date:	July 30, 2004
Date of Board vote to propose amendments:	March 18, 2004
Submission for <i>Illinois Register</i> publication:	March 29, 2004
Probable <i>Illinois Register</i> publication date:	April 9, 2004
End of 45-day public comment period:	May 24, 2004
Date of Board vote to adopt amendments:	June 17, 2004
End of 30-day hold period for USEPA review:	July 3, 2004
Probable filing and effective date:	July 12, 2004

Probable <i>Illinois Register</i> publication date:	July 23, 2004
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## **DISCUSSION**

The following discussion begins with a description of the types of deviations the Board makes from the literal text of federal regulations in adopting identical-in-substance rules. It is followed by a discussion of the amendments and actions undertaken in direct response to the federal actions involved in this proceeding. This first series of discussions is organized by federal subject matter, generally appearing in chronological order of the relevant *Federal Register* notices involved. Finally, this discussion closes with a description of the amendments and actions that are not directly derived from the federal actions.

### **General Revisions and Deviations from the Federal Text**

In incorporating the federal rules into the Illinois system, some deviation from the federal text is unavoidable. This deviation arises primarily through differences between the federal and state regulatory structure and systems. Some deviation also arises through errors in and problems with the federal text itself. The Board conforms the federal text to the Illinois rules and regulatory scheme and corrects errors that we see in the text as we engage in these routine update rulemakings.

In addition to the amendments derived from federal amendments, the Board often finds it necessary to alter the text of various passages of the existing rules as provisions are opened for update in response to USEPA actions. This involves correcting deficiencies, clarifying provisions, and making other changes that are necessary to establish a clear set of rules that closely parallel the corresponding federal requirements within the codification scheme of the *Illinois Administrative Code*.

The Board updates the citations to the *Code of Federal Regulations* to the most recent version available. As of the date of this opinion, the most recent version of the *Code of Federal Regulations* available to the Board is the July 1, 2003 version. Thus, we have updated all citations to the 2002 version, adding references to later amendments using their appropriate *Federal Register* citation, where necessary.

The Board substituted “or” for “/” in most instances where this appeared in the federal base text, using “and” where more appropriate. The Board further used this opportunity to make a number of corrections to punctuation, grammar, spelling, and cross-reference format throughout the opened text. We changed “who” to “that” and “he” or “she” to “it,” where the person to which the regulation referred was not necessarily a natural person, or to “he or she,” where a natural person was evident; changed “which” to “that” for restrictive relative clauses; substituted “must” for “shall”; capitalized the section headings and corrected their format where necessary; and corrected punctuation within sentences.

In addition, the federal rules have been edited to establish a uniform usage throughout the Board’s regulations. For example, with respect to “shall,” “will,” and “may,” “must” is used when an action is required by the rule, without regard to whether the action is required of the

subject of the sentence or not. “Shall” is no longer used, since it is not used in everyday language. Thus, where a federal rule uses “shall,” the Board substitutes “must.” This is a break from our former practice where “shall” was used when the subject of a sentence has a duty to do something. “Will” is used when the Board obliges itself to do something. “May” is used when choice of a provision is optional. “Or” is used rather than “and/or,” and denotes “one or both.” “Either . . . or” denotes “one but not both.” “And” denotes “both.”

The Joint Committee on Administrative Rules (JCAR) has requested that the Board refer to the United States Environmental Protection Agency in the same manner throughout all of our bodies of regulations—*i.e.*, air, water, drinking water, RCRA Subtitle D (municipal solid waste landfill), RCRA Subtitle C (hazardous waste), underground injection control (UIC), etc. The Board has decided to refer to the United States Environmental Protection Agency as “USEPA.” We will continue this conversion in future rulemakings as additional sections become open to amendment. We will further convert “EPA” used in federal text to “USEPA,” where USEPA is clearly intended.

The Board has assembled tables to aid in the location of these alterations and to briefly outline their intended purpose. The tables set forth the miscellaneous deviations from the federal text and corrections to the pre-amended base text of the rules in detail. The tables are set forth and explained beginning at page 8 of this opinion. There is no further discussion of most of the deviations and revisions elsewhere in this opinion.

### **Discussion of the Particular Federal Actions Involved in This Docket**

#### **Clarifying Amendments to the Used Oil Management Rule--Sections 721.105, 739.110, and 739.140**

The USEPA action of July 30, 2003 (68 Fed. Reg. 44659) related to the used oil management rule. USEPA stated that the amendments eliminated drafting errors and ambiguities in the rule. The amendments were the reinstatement of three amendments adopted by a direct final rule adopted by USEPA on May 6, 1998 (63 Fed. Reg. 24963) and withdrawn on July 14, 1998 (63 Fed. Reg. 37780) in response to adverse public comments. USEPA stated that the amendments clarify that mixtures of used oil and conditionally exempt small quantity generator waste are subject to the used oil management standards without regard to how the mixture is to be recycled. USEPA stated that the amendments further clarify that the initial marketer of used oil that meets the used oil fuel specification needs only to keep a record of the shipment to the facility to which the marketer delivers the used oil. Persons interested in the details of the federal amendments should consult the July 30, 2003 *Federal Register* notice.

The Board incorporated the July 30, 2003 federal amendments without substantive deviation from the corresponding federal text. The deviations from the text of the federal amendments are restricted to those structural and stylistic changes needed to make the text comport with the *Illinois Register* format and the Board’s preferred style. The table that begins on page 8 of this opinion itemizes the various revisions made in the federal text in adapting it into the State regulations.

The Board requests public comment on the incorporation of the July 30, 2003 federal amendments to the used oil management rule.

### **Discussion of Corrective Amendments**

The Board has traditionally used the occasion of these identical-in-substance updates to correct segments of the base text of the Illinois regulations. These corrections are non-substantive in effect. The Board is including a significant number of non-substantive corrections in this docket.

When a necessary minor correction comes to the attention of the Board, Board staff makes a note of the correction, and it is set aside until the next opportunity to make the correction. The next opportunity generally presents itself when the section involved is next opened for amendment as a result of amendments to the corresponding federal text. Over the last few years, the Board has cataloged very many changes, but the pace of completing the corrections has been slow, since only a limited number of all the sections involved in the hazardous waste regulations have been the subject of federal amendments. At the rate at which the Board has been able to make the corrections while restricting attention to opened Sections of the regulations, the Board might never be able to complete the corrections.

In the preceding RCRA Subtitle C update dockets, RCRA Subtitle C Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-7 (Jan. 9, 2003), and RCRA Subtitle C Update, USEPA Regulations (July 1, 2002 through December 31, 2002), R03-18 (June 5, 2003), the Board began including the corrections necessary to some sections that are not already involved in this docket at a result of federal amendments. The Board reviewed the entire text of Parts 703, 705, 720, 721, 724, 726, and 728 and the Board is included all the necessary corrections to of which the Board was aware at that time. The Board believes that prompt completion of the corrections benefits the Agency's implementation of the rules and the regulated community.

The Board is continuing this approach in this current docket. The Board has made corrections to one more Part of the regulations: Part 739. Thus, after completion of this rulemaking, the Board will have reviewed the entire text of Parts 703, 705, 720, 721, 724, 726, 728, and 739 of the hazardous waste regulations and made whatever corrections the Board has found necessary. The Board will continue this process of making corrections to the text of open Parts at a reasonable rate in future RCRA Subtitle C update dockets until all of the corrections are complete to all of Parts 702 through 705, 720 through 726, 728, 733, and 739.<sup>1</sup>

The Board will not discuss particular corrective amendments in this segment of this discussion. The corrections are each itemized in the table that begins on page 12 of this opinion. The Board requests that the Agency, JCAR, and the regulated community review the table and the text of the corrections. The Board requests comment on the corrections. The Board also asks for the assistance of the Agency, JCAR, and the regulated community in this process; the Board requests that they submit suggestions for correction of any errors of which they are aware.

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<sup>1</sup> At this time, the Board has not yet opened Parts 702, 722, 723, 725, or 733 for review.

The Board will catalog any suggestions relating to parts and sections not already involved in this proceeding for future use.

### **Agency or Board Action**

Section 7.2(a)(5) of the Act requires the Board to specify those portions of the program over which USEPA will retain decision making authority. Based on the general division of functions within the Act and other Illinois statutes, the Board is also to specify which State agency is to make decisions.

In situations in which the Board has determined that USEPA will retain decision-making authority, the Board has replaced “Regional Administrator” with USEPA, so as to avoid specifying which office within USEPA is to make a decision.

In some identical-in-substance rules, certain decisions pertaining to a permit application are not appropriate for the Agency to consider. In determining the general division of authority between the Agency and the Board, the following factors should be considered:

1. Whether the entity making the decision is applying a Board regulation, or taking action contrary to (“waiving”) a Board regulation. It generally takes some form of Board action to “waive” a Board regulation.
2. Whether there is a clear standard for action such that the Board can give meaningful review to an Agency decision.
3. Whether the action would result in exemption from the permit requirement itself. If so, Board action is generally required.
4. Whether the decision amounts to “determining, defining or implementing environmental control standards” within the meaning of Section 5(b) of the Act. If so, it must be made by the Board.

There are four common classes of Board decisions: variance, adjusted standard, site-specific rulemaking, and enforcement. The first three are methods by which a regulation can be temporarily postponed (variance) or adjusted to meet specific situations (adjusted standard or site-specific rulemaking). There often are differences in the nomenclature for these decisions between the USEPA and Board regulations.

### **Tabulations of Deviations from the Federal text and Corrections to and Clarifications of the Base Text**

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table (beginning immediately below) includes deviations made in this proposal for public comment from the verbatim text of the federal amendments. The second table (beginning immediately after the first) contains corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in this second table are

not directly derived from the current federal amendments. Some of the entries in these tables are discussed further in appropriate segments of the general discussion beginning at page 4 of this opinion.

**Table 1:  
Deviations from the Text of the Federal Amendments**

Illinois Section	40 C.F.R. Section	Revision(s)
739.110(i)	279.10(i)	Changed “40 CFR part 761” to “federal 40 CFR 761”; added “federal” before “40 CFR 761”; changed “Part 761” to “federal 40 CFR 761”

**Table2 :  
Board Housekeeping Amendments**

Section	Source	Revision(s)
739 table of contents, 739.111 heading	Board	Changed “oil specifications” to capitalized “Oil Specifications”
739 table of contents, 739.121 heading	Board	Changed “waste mixing” to capitalized “Waste Mixing”
739 table of contents, 739.122 heading	Board	Changed “oil storage” to capitalized “Oil Storage”
739 table of contents, 739.123 heading	Board	Changed “On-site burning in space heaters” to capitalized “On-Site Burning in Space Heaters”
739 table of contents, 739.124 heading	Board	Changed “Off-site shipments” to capitalized “Off-Site Shipments”
739 table of contents, 739.130 heading	Board	Changed “Do-it-yourselfer used oil collection centers” to capitalized “Do-It-Yourselfer Used Oil Collection Centers”
739 table of contents, 739.131 heading	Board	Changed “oil collection centers” to capitalized “Do-It-Yourselfer Oil Collection Centers”
739 table of contents, 739.132 heading	Board	Changed “oil aggregate points owned by the generator” to capitalized “Oil Aggregate Points Owned by the Generator”
739 table of contents, 739.141 heading	Board	Changed “transporters that are not also processors” to capitalized “Transporters that Are Not Also Processors”
739 table of contents, 739.143 heading	Board	Changed “oil transportation” to capitalized “Oil Transportation”
739 table of contents, 739.144 heading	Board	Changed “presumption for used oil” to capitalized “Presumption for Used Oil”
739 table of contents, 739.145 heading	Board	Changed “oil storage at transfer facilities” to capitalized “Oil Storage at Transfer Facilities”
739 table of contents, 739.147 heading	Board	Changed “residues” to capitalized “Residues”



739 table of contents, 739.152 heading	Board	Changed “facility standards” to capitalized “Facility Standards”
739 table of contents, 739.153 heading	Board	Changed “presumption for used oil” to capitalized “Presumption for Used Oil”
739 table of contents, 739.154 heading	Board	Changed “oil management” to capitalized “Oil Management”
739 table of contents, 739.155 heading	Board	Changed “plan” to capitalized “Plan”
739 table of contents, 739.157 heading	Board	Changed “record and reporting” to capitalized “Record and Reporting”
739 table of contents, 739.158 heading	Board	Changed “Off-site shipments of used oil” to capitalized “Off-Site Shipments of Used Oil”
739 table of contents, 739.159 heading	Board	Changed “residues” to capitalized “Residues”
739 table of contents, 739.161 heading	Board	Changed “burning” to capitalized “Burning”
739 table of contents, 739.163 heading	Board	Changed “presumption for used oil” to capitalized “Presumption for Used Oil”
739 table of contents, 739.164 heading	Board	Changed “oil storage” to capitalized “Oil Storage”
739 table of contents, 739.167 heading	Board	Changed “residues” to capitalized “Residues”
739 table of contents, 739.172 heading	Board	Changed “On-specification used oil fuel” to capitalized “On-Specification Used Oil Fuel”
739 table of contents, 739.182 heading	Board	Changed “as a dust suppressant” to capitalized “As a Dust Suppressant”
739.100 “aboveground tank”	Board	Added a comma before “as defined in . . .” to offset a parenthetical
739.100 “aboveground tank” Board note	Board	Changed “Aboveground” to lower-case “aboveground”; changed “above definition” to “definition of this Section”
739.100 “existing tank”	Board	Changed “has” to past-tense “had” (four times); changed “the effective date . . . located” to “October 4, 1996”; added “of the following had occurred”
739.100 “existing tank” Board note	Board	Changed “above definition” to “definition of this Section”
739.100 “new tank”	Board	Changed “has” to past-tense “had”; changed “the effective date . . . located” to “October 4, 1996”
739.100 “new tank” Board note	Board	Changed “which” to “that” for a restrictive relative clause; changed “above definition” to “definition of this Section”
739.100 “processing”	Board	Added “the following”

739.100 “tank”	Board	Changed “which” to “that” for a restrictive relative clause; removed the unnecessary comma from before the parenthetical after “materials”; changed “provides” to plural “provide”
739.100 “used oil”	Board	Removed the unnecessary from before “or any synthetic oil” that separated a two-element series
739.105(e)	Board	Changed “set forth below” to “those set forth in subsections (e)(1) and (e)(2) of this Section”; changed the ending colon to a period
739.110 preamble	Board	Changed “which” to “that” for a restrictive relative clause
739.110(a)	Board	Changed “USEPA presumes that used oil is to be” to “used oil is presumed to be”; added a comma before “unless” to offset a parenthetical; removed the unnecessary comma after “used oil” that separated a two-element series (twice) changed “35 Ill. Adm. Code 721.Subpart C” to “Subpart C of 35 Ill. Adm. Code 721”
739.110(b)(1)(A)	Board	Changed “35 Ill. Adm. Code 721.Subpart D” to “Subpart D of 35 Ill. Adm. Code 721”
739.110(b)(1)(B)	Board	Changed “35 Ill. Adm. Code 721.Subpart D” to “Subpart D of 35 Ill. Adm. Code 721”; removed “Edition III”; added “incorporated . . . 720.111”; Changed “35 Ill. Adm. Code 721.Appendix H” to “Appendix H of 35 Ill. Adm. Code 721”; removed “USEPA Publication SW-846 . . . (document number 955-001-00000-1)”
739.110(b)(1)(B)(i)	Board	Changed “the” to “this” (twice)
739.110(b)(1)(B)(ii)	Board	Changed “the” to “this” (twice)
739.110(b)(2)	Board	Changed “35 Ill. Adm. Code 721.Subpart C” to “Subpart C of 35 Ill. Adm. Code 721” (twice); added “the following”
739.110(b)(2)(A)	Board	Changed “35 Ill. Adm. Code 721.Subpart C” to “Subpart C of 35 Ill. Adm. Code 721”
739.110(b)(2)(B)	Board	Changed “35 Ill. Adm. Code 721.Subpart C” to “Subpart C of 35 Ill. Adm. Code 721”
739.110(b)(2)(C)	Board	Changed “which” to “that” for a restrictive relative clause
739.110(c)(1)	Board	Added “the following is true of”; changed “such that” to “so that”
739.110(c)(1)(A)	Board	Added “the material”
739.110(c)(1)(B)	Board	Added “the material”

739.110(e)(1)	Board	Added “the following is true of”; added a comma after “used oil” to offset an element of a series; changed “that” to “which” for a subsequent restrictive relative clause; added a comma after “beneficially” to offset the final element of a series; added “which” for a subsequent restrictive relative clause; removed the unnecessary “are”
739.110(e)(1)(A)	Board	Added “the materials are”
739.110(e)(1)(B)	Board	Added “the materials are”; added a comma before “as provided” to offset a parenthetical
739.110(e)(3)	Board	Added “the following is true of”; removed the unnecessary “are”
739.110(e)(3)(A)	Board	Added “the materials are”
739.110(e)(3)(B)	Board	Added “the materials”
739.110(f)	Board	Added “federal” before “Clean Water Act”; changed “which” to “that” for a restrictive relative clause
739.110(g)(2)	Board	Changed “1%” to “one percent”
739.110(g)(3)	Board	Changed “1%” to “one percent”
739.111 heading	Board	Changed “oil specifications” to capitalized “Oil Specifications”
739.111 preamble	Board	Changed “Table 1” to “the following table”
739.111 table heading	Board	Removed “Table 1-”; changed “Used Oil Not exceeding Any Specification Level Is Not Subject to this Part When Burned for Energy Recovery” to “Used Oil Specification Levels When Burned for Energy Recovery”
739.111 table	Board	Removed the tab from the let column entry for “total halogen”
739.111 table, footnote 2	Board	Changed “35 Ill. Adm. Code 726.Subpart H” to “Subpart H of 35 Ill. Adm. Code 726”; added commas before and after “rather than this Part” to offset the parenthetical
739.112(a)	Board	Changed “shall” to “must”; added a comma before “unless” to offset a parenthetical
739.112(b)	Board	Deleted the conditional parenthetical “except when . . .”
739.112(c)(3)	Board	Changed “35 Ill. Adm. Code 724.Subpart O or 725.Subpart O” to “Subpart O of 35 Ill. Adm. Code 724 or 725”
739.120(a)	Board	Changed “this subpart” to capitalized “this Subpart C”; added “the following”
739.120(a)(2)	Board	Changed “this Subpart” to “this Subpart C” (four times); changed “person(s)” to “persons”; changed “them” to the reflexive “themselves”
739.120(a)(3)	Board	Changed “this Subpart” to “this Subpart C”

739.120(b)	Board	Added a comma before “as indicated” to offset the parenthetical; changed “subsections (b)(1) through (5) below” to “subsections (b)(1) through (b)(5)”
739.120(b)(1)	Board	Removed the unnecessary space to correct “Section 739.124 (a)” to “Section 739.124(a)”; changed “shall” to “must”; changed “739.Subpart E” to “Subpart E of this Part
739.120(b)(2)(A)	Board	Changed “subsection (b)(2)(B) below” to “subsection (b)(2)(B) of this Section”; changed “shall” to “must”; changed “739.Subpart F” to “Subpart F of this Part
739.120(b)(3)	Board	Changed “shall” to “must”; changed “739.Subpart G” to “Subpart G of this Part
739.120(b)(4)	Board	Changed “shall” to “must”; changed “739.Subpart H” to “Subpart H of this Part
739.120(b)(5)	Board	Changed “shall” to “must”; changed “739.Subpart I” to “Subpart I of this Part
739.121 heading	Board	Changed “waste mixing” to capitalized “Waste Mixing”
739 table of contents, 739.122 heading	Board	Changed “oil storage” to capitalized “Oil Storage”
739.122 preamble	Board	Changed plural “used oil generators are” to singular “a used oil generators is” (twice); changed “this Subpart” to “this Subpart C” (twice)
739.122(a)	Board	Changed plural “used oil generators” to singular “a used oil generators”; changed “shall not” to “may not”
739.122(b)	Board	Added “the following must be true of”; changed “generator facilities” to singular “a generator facility”; removed the ending “must be”
739.122(b)(1)	Board	Added “the containers must be”
739.122(b)(2)	Board	Changed “not” to “the containers may not be”
739.122(d)	Board	Changed “shall” to “must”
739.123 heading	Board	Changed “On-site burning in space heaters” to capitalized “On-Site Burning in Space Heaters”
739.123 preamble	Board	Changed plural “generators” to singular “a generator”; added “the following conditions are fulfilled”
739.124 heading	Board	Changed “Off-site shipments” to capitalized “Off-Site Shipments”
739.124 preamble	Board	Changed plural “generators” to singular “a generator”; changed “shall” to “must”; changed “U.S. EPA” to “USEPA”; changed “numbers” to singular “number”
739.124(a)	Board	Changed plural “generators” to singular “a generator”; changed “U.S. EPA” to “USEPA”; added “the following conditions are fulfilled”
739.124(b)	Board	Changed plural “generators” to singular “a generator”; added “the following conditions are fulfilled”

739.124(a)(3)	Board	Changed “shall” to “must” (twice)
739.124(b)	Board	Changed “U.S. EPA” to “USEPA”
739.124(c)	Board	Changed plural “used oil generators” to singular “a used oil generators”; changed “U.S. EPA” to “USEPA”; added “the following information”
739.130 heading	Board	Changed “Do-it-yourselfer used oil collection centers” to capitalized “Do-It-Yourselfer Used Oil Collection Centers”
739.131 heading	Board	Changed “oil collection centers” to capitalized “Do-It-Yourselfer Oil Collection Centers”
739.131(b)	Board	Added “do the following”
739.131(b)(2)	Board	Changed “shall” to “must” (three times)
739.132 heading	Board	Changed “oil aggregate points owned by the generator” to capitalized “Oil Aggregate Points Owned by the Generator”
739.132(a)	Board	Changed plural “used oil generators” to singular “a used oil generators”
739.140(a)	Board	Changed “this Subpart” to “this Subpart E”; changed plural “used oil transporters are persons that transport” to singular “a used oil transporter is a person that transports”; changed plural “persons that collect” to singular “a person that collects”; changed plural “owners and operators of . . . facilities” to singular “an owner or operator of a . . . facility”
739.140(a)(1)	Board	Changed “this Subpart” to “this Subpart E”
739.140(a)(2)	Board	Changed “this Subpart” to “this Subpart E”; changed plural “generators that transport” to singular “a generator that transports”; corrected the spelling of “totalling” to “totaling”
739.140(a)(3)	Board	Changed “this Subpart” to “this Subpart E” (twice); changed plural “generators that transport” to singular “a generator that transports”; corrected the spelling of “totalling” to “totaling”
739.140(a)(4)	Board	Changed “this Subpart” to “this Subpart E”
739.140(b)	Board	Changed plural “transporters that import” to singular “a transporter that imports”; changed “this Subpart” to “this Subpart E”
739.140(d)	Board	Changed plural “used oil transporters that conduct” to singular “a used oil transporter that conducts”; changed “subsections (d)(1) through (5)” to “subsections (d)(1) through (d)(5)”
739.140(d)(1)	Board	Changed plural “transporters that generate” to singular “a transporter that generates”; changed “shall” to “must”

739.140(d)(2)	Board	Changed plural “transporters that process” to singular “a transporter that processes”; changed “shall” to “must”
739.140(d)(3)	Board	Changed plural “transporters that burn” to singular “a transporter that burns”; changed “shall” to “must”
739.140(d)(4)	Board	Changed plural “transporters that direct” to singular “a transporter that directs”; changed “shall” to “must”
739.140(d)(5)	Board	Changed plural “transporters that dispose” to singular “a transporter that disposes”; changed “shall” to “must”
739.141 heading	Board	Changed “transporters that are not also processors” to capitalized “Transporters that Are Not Also Processors”
739.141(a)	Board	Changed plural “used oil transporters” to singular “a used oil transporter” (twice)
739.141(b)	Board	Changed plural “transporters . . . they also comply” to singular “a transporter . . . it also complies”
739.141(c)	Board	Changed plural “transporters . . . are” to singular “a transporter . . . is”; changed “739.Subpart F” to “Subpart F of this Part
739.142(a)	Board	Changed “shall” to “must”; changed “U.S. EPA” to “USEPA”
739.142(b)(1)	Board	Changed “U.S. EPA” to “USEPA” (twice); changed “Region V” to “Region 5”; added “of the following”
739.142(b)(1)(A)	Board	Changed “U.S. EPA” to “USEPA” (twice)
739.142(b)(1)(B)	Board	Changed “U.S. EPA” to “USEPA” (twice)
739.142(b)(2)	Board	Updated the address of the Illinois EPA
739.143 heading	Board	Changed “oil transportation” to capitalized “Oil Transportation”
739.143(a)	Board	Changed “shall” to “must”; added “one of the following”
739.143(a)(1)	Board	Changed “U.S. EPA” to “USEPA”
739.143(a)(2)	Board	Changed “U.S. EPA” to “USEPA”
739.143(a)(3)	Board	Changed “U.S. EPA” to “USEPA”
739.143(b)	Board	Changed “shall” to “must” (twice); changed “49 CFR parts 171 through 180” to “49 CFR 171 through 180” (twice)
739.143(c)(1)	Board	Changed “shall” to “must”
739.143(c)(2)	Board	Changed “U.S. EPA” to “USEPA”
739.143(c)(3)	Board	Changed “shall” to “must”; added “do the following”
739.143(c)(3)(A)	Board	Added “federal” before “49 CFR 171.15”
739.143(c)(3)(B)	Board	Added “federal” before “49 CFR 171.16”
739.143(c)(4)	Board	Added “federal” before “33 CFR 153.203”
739.143(c)(4)	Board	Changed “shall” to “must”
739.143(c)(5)	Board	Changed “shall” to “must”

739.144 heading	Board	Changed “presumption for used oil” to capitalized “Presumption for Used Oil”
739.144(a)	Board	Changed “shall” to “must”
739.144(b)	Board	Changed “shall” to “must”; added “the following means”
739.144(c)	Board	Changed “35 Ill. Adm. Code 721.Subpart D” to “Subpart D of 35 Ill. Adm. Code 721”; removed “Edition III”; added “incorporated . . . 720.111”; changed “35 Ill. Adm. Code 721.Appendix H” to “Appendix H of 35 Ill. Adm. Code 721”; removed “U.S. EPA Publication SW-846 . . . (document number 955-001-00000-1)”
739.144(d)	Board	Changed numeric “3” to written “three”
739.145 heading	Board	Changed “oil storage at transfer facilities” to capitalized “Oil Storage at Transfer Facilities”
739.145 preamble	Board	Changed “this Subpart” to “this Subpart E”
739.145(a)	Board	Changed “transportation related” to hyphenated “transportation-related”; changed plural “transfer facilities” to “a transfer facility”
739.145(b)	Board	Changed plural “owners or operators of . . . facilities” to “an owner or operator of a . . . facility”
739.145(c)	Board	Added “the following must be true of”; changed “transfer facilities” to singular “a transfer facility”; removed the ending “must be”
739.145(c)(1)	Board	Added “the containers must be”
739.145(c)(2)	Board	Changed “not” to “the containers may not be”
739.145(d)	Board	Changed plural “transfer facilities” to “a transfer facility”
739.145(d)(1)	Board	Added “the following”
739.145(d)(1)(A)	Board	Added “of the following”
739.145(d)(1)(A)(i)	Board	Added a comma after “berms” to offset the final element of a series
739.145(e)	Board	Changed plural “transfer facilities” to “a transfer facility”
739.145(e)(1)	Board	Added “the following”
739.145(e)(1)(A)	Board	Added “of the following”
739.145(e)(1)(A)(i)	Board	Added a comma after “berms” to offset the final element of a series
739.145(f)	Board	Changed plural “transfer facilities” to “a transfer facility”
739.145(f)(1)	Board	Added “the following”
739.145(f)(1)(A)	Board	Added “of the following”
739.145(f)(1)(A)(i)	Board	Added a comma after “berms” to offset the final element of a series

739.145(h)	Board	Changed “shall” to “must”
739.146(a)	Board	Changed plural “used oil transporters” to singular “a used oil transporter”; changed “shall” to “must”; added “the following”
739.146(a)(2)	Board	Changed “U.S. EPA” to “USEPA”
739.146(a)(5)(A)	Board	Changed “subsection (a)(5)(B) below” to “subsection (a)(5)(B) of this Section”
739.146(b)	Board	Changed plural “used oil transporters” to singular “a used oil transporter”; changed “shall” to “must”; added “the following”
739.146(b)(2)	Board	Changed “U.S. EPA” to “USEPA”
739.146(b)(5)(A)	Board	Changed “subsection (a)(5)(B) below” to “subsection (a)(5)(B) of this Section”
739.146(c)	Board	Changed plural “used oil transporters” to singular “a used oil transporter”; changed “shall” to “must”
739.147 heading	Board	Changed “residues” to capitalized “Residues”
739.147(a)	Board	Changed “shall” to “must”; changed “U.S. EPA” to “USEPA”
739.147(b)(1)	Board	Changed “U.S. EPA” to “USEPA” (twice)
739.147(b)(1)(A)	Board	Changed “U.S. EPA” to “USEPA” (twice)
739.147(b)(1)(B)	Board	Changed “U.S. EPA” to “USEPA” (twice)
739.150(a)	Board	Changed “this Subpart” to “this Subpart F” (twice); added “the following” (twice); added a comma after “separation” to offset the final element of a series
739.150(a)(1)	Board	Changed plural “transporters that conduct” to singular “a transporter that conducts”; added a comma before “as provided” to offset a parenthetical
739.150(a)(2)	Board	Changed plural “burners that conduct” to singular “a burner that conducts”; added a comma before “as provided” to offset a parenthetical
739.150(b)	Board	Changed plural “used oil processors who conduct” to singular “a used oil processor that conducts”; added a comma before “as indicated” to offset a parenthetical
739.151(b)(1)	Board	Changed plural “processors who generate” to singular “a processor that generates”; added “of the following”; changed “Region V” to “Region 5”
739.151(b)(2)	Board	Changed plural “processors who transport” to singular “a processor that transports”; updated the address of the Illinois EPA
739.151(b)(3)	Board	Changed plural “processors who direct” to singular “a processor that directs”
739.151(b)(4)	Board	Changed plural “processors who burn” to singular “a processor that burns”
739.151(b)(5)	Board	Changed plural “processors who dispose” to singular “a processor that disposes”



739.152 heading	Board	Changed “facility standards” to capitalized “Facility Standards”
739.152(a)	Board	Changed plural “owners and operators of used oil processors and re-refiners facilities” to singular “an owners or operator of a used oil processing or re-refining facility”; changed “shall” to “must”
739.152(a)(1)	Board	Added the indefinite article “a” before “facility”; added “all” before “facilities”; changed “which” to “that” for a restrictive relative clause
739.152(a)(2)(D)	Board	Removed the unnecessary conjunction “or” separating elements of a series (twice)
739.152(a)(5)	Board	Changed “shall” to “must”
739.152(a)(6)	Board	Changed “shall” to “must”
739.152(a)(6)(A)(iv)	Board	Changed “which” to “that” for a restrictive relative clause
739.152(a)(6)(B)	Board	Changed “shall” to “must”
739.152(b)	Board	Changed plural “owners and operators of used oil processors and re-refiners facilities” to singular “an owner or operator of a used oil processing or re-refining facility”; changed “shall” to “must”
739.152(b)(1)(A)	Board	Changed “shall” to “must”
739.152(b)(1)(B)	Board	Changed “which” to “that” for a restrictive relative clause
739.152(b)(2)(A)	Board	Changed “shall” to “must”
739.152(b)(2)(B)	Board	Added “federal” before “40 CFR 112”; removed the unnecessary comma after “40 CFR 112” that separated a two-element series
739.152(b)(2)(F)	Board	Changed “signal(s)” to “signals”
739.152(b)(3)	Board	Changed singular “a copy” to plural “copies”; added “disposed as follows”
739.152(b)(4)	Board	Added “one of the following occurs”
739.152(b)(4)(C)	Board	Changed the en-dash after “circumstances” to an em-dash
739.152(b)(5)	Board	Changed “shall” to “must”
739.152(b)(5) Board note	Board	Changed “U.S. EPA” to “USEPA”; added the quotation marks to indicated quoted text; placed brackets on the citation to indicate deviation from the quoted language; changed “subsection (b)(6) below” to “subsection (b)(6) of this Section”
739.152(b)(6)(A)	Board	Changed “shall” to “must”; added “do the following”
739.152(b)(6)(B)	Board	Changed “shall” to “must”
739.152(b)(6)(C)	Board	Changed “shall” to “must”
739.152(b)(6)(D)	Board	Changed “which” to “that” for a restrictive relative clause; changed “shall” to “must”

739.152(b)(6)(D)(i)	Board	Changed “shall” to “must” (twice)
739.152(b)(6)(D)(ii)	Board	Changed “shall” to “must”; added “federal” before “40 CFR 300”; added “the following information”; changed “Name” to lower-case “name” (three times); changed “Time” to lower-case “time”; changed “material(s)” to “materials”; changed “The” to lower-case “the”
739.152(b)(6)(E)	Board	Changed “shall” to “must”
739.152(b)(6)(F)	Board	Changed “shall” to “must”
739.152(b)(6)(G)	Board	Changed “shall” to “must”
739.152(b)(6)(H)	Board	Changed “shall” to “must”; added “the following occur”; changed “area(s)” to “areas”
739.152(b)(6)(H)(iii)	Board	Changed “shall” to “must”; changed “area(s)” to “areas”
739.152(b)(6)(I)	Board	Changed “shall” to “must” (twice); changed “the Regional Administrator” to “USEPA Region 5”; added “the following”
739.152(b)(6)(I)(iv)	Board	Changed “material(s)” to “materials”
739.153 heading	Board	Changed “presumption for used oil” to capitalized “Presumption for Used Oil”
739.153(a)	Board	Changed “shall” to “must”
739.153(b)	Board	Changed “shall” to “must”; added “the following means”
739.153(c)	Board	Changed “35 Ill. Adm. Code 721.Subpart D” to “Subpart D of 35 Ill. Adm. Code 721”; removed “Edition III”; added “incorporated . . . 720.111”; changed “35 Ill. Adm. Code 721.Appendix H” to “Appendix H of 35 Ill. Adm. Code 721”; removed “U.S. EPA Publication SW-846 . . . (document number 955-001-00000-1)”
739.154 heading	Board	Changed “oil management” to capitalized “Oil Management”
739.154 preamble	Board	Changed “this Subpart” to “this Subpart F” (twice)
739.154(a)	Board	Changed plural “used oil processors” to singular “a used oil processor”; changed “shall not” to “may not”
739.154(b)	Board	Added “the following must be true of”; changed “processing facilities” to singular “a processing facility”; removed the ending “must be”
739.154(b)(1)	Board	Added “the containers must be”
739.154(b)(2)	Board	Changed “not” to “the containers may not be”
739.154(c)(1)	Board	Added “the following”
739.154(c)(1)(A)	Board	Added “of the following”
739.154(c)(1)(A)(i)	Board	Added a comma after “berms” to offset the final element of a series
739.154(d)(1)	Board	Added “the following”

739.154(d)(1)(A)	Board	Added “of the following”
739.154(d)(1)(A)(i)	Board	Added a comma after “berms” to offset the final element of a series
739.154(e)(1)	Board	Added “the following”
739.154(e)(1)(A)	Board	Added “of the following”
739.154(e)(1)(A)(i)	Board	Added a comma after “berms” to offset the final element of a series
739.154(g)	Board	Changed “shall” to “must”
739.154(h)(1)	Board	Changed plural “owners and operators that store or process” to singular “an owner or operator that stores or processes”; changed “shall” to “must”
739.154(h)(1)(A)	Board	Changed “shall” to “must”
739.154(h)(1)(B)	Board	Changed “shall” to “must”
739.154(h)(2)	Board	Changed plural “owners and operators that store” to singular “an owner or operator that stores”; changed “shall” to “must”
739.154(h)(2)(B)	Board	Changed “shall” to “must”
739.155 heading	Board	Changed “plan” to capitalized “Plan”
739.155 preamble	Board	Changed plural “owners and operators of used oil processing and re-refining facilities” to singular “an owner or operator of a used oil processing or re-refining facility”
739.155(a)(2)	Board	Added “the following conditions must be fulfilled” as a parenthetical offset by a comma
739.155(a)(2)(A)	Board	Added “of the following”
739.155(a)(2)(A)(i)	Board	Changed “35 Ill. Adm. Code 721.Appendix I” to “Appendix I of 35 Ill. Adm. Code 721”
739.155(b)(2)	Board	Added “the following” as a parenthetical offset by a comma
739.155(b)(2)(A)	Board	Added “of the following”
739.155(b)(2)(A)(i)	Board	Changed “35 Ill. Adm. Code 721.Appendix I” to “Appendix I of 35 Ill. Adm. Code 721”
739.156(a)	Board	Changed plural “used oil processors” to singular “a used oil processor”; changed “shall” to “must”
739.156(a)(3)	Board	Changed “U.S. EPA” to “USEPA”
739.156(a)(4)	Board	Changed “U.S. EPA” to “USEPA”
739.156(b)	Board	Changed plural “used oil processors” to singular “a used oil processor”; changed “shall” to “must”
739.156(b)(1)	Board	Added a comma after “processor” to offset the final element of a series
739.156(b)(2)	Board	Added a comma after “processor” to offset the final element of a series
739.156(b)(3)	Board	Changed “U.S. EPA” to “USEPA”
739.156(b)(4)	Board	Changed “U.S. EPA” to “USEPA”

739.156(c)	Board	Changed “subsections (a) and (b) above” to “subsections (a) and (b) of this Section”
739.157 heading	Board	Changed “record and reporting” to capitalized “Record and Reporting”
739.157(a)(1)	Board	Changed “shall” to “must”
739.157(a)(2)(B)	Board	Added a comma before “as specified” to offset the parenthetical; corrected “an specified” to “as specified”
739.157(b)	Board	Changed “shall” to “must”; changed “the Regional Administrator” to “USEPA Region 5”
739.157(b)(1)	Board	Changed “U.S. EPA” to “USEPA”
739.158 heading	Board	Changed “Off-site shipments of used oil” to capitalized “Off-Site Shipments of Used Oil”
739.158	Board	Changed plural “used oil processors that initiate shipments” to singular “a used oil processor that initiates a shipment”; changed “shall” to “must”; changed “U.S. EPA” to “USEPA”
739.159 heading	Board	Changed “residues” to capitalized “Residues”
739.159	Board	Changed plural “owners and operators who generate” to singular “an owner or operator that generates”
739.160(a)	Board	Changed “this Subpart” to “this Subpart G” (twice)
739.160(b)	Board	Changed plural “used oil burners that conduct . . . are” to singular “a used oil burner that conducts . . . is”
739.160(b)(1)	Board	Changed plural “burners that generate” to singular “a burner that generates”; changed “shall” to “must”
739.160(b)(2)	Board	Changed plural “burners that transport” to singular “a burner that transports”; changed “shall” to “must”
739.160(b)(3)	Board	Changed plural “burners that process or re-refine” to singular “a burner that processes or re-refines”; changed “shall” to “must”
739.160(b)(4)	Board	Changed plural “burners that direct” to singular “a burner that directs”; changed “shall” to “must”
739.160(b)(5)	Board	Changed plural “burners that dispose” to singular “a burner that disposes”; changed “shall” to “must”
739.160(c)	Board	Changed “this Subpart” to “this Subpart G”; changed plural “persons” to singular “a person”
739.161 heading	Board	Changed “burning” to capitalized “Burning”
739.161(a)	Board	Changed “may be burned . . . in only” to “may only be burned . . . in”
739.161(a)(3)	Board	Changed “35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O” to “Subpart O of 35 Ill. Adm. Code 724 or 725”
739.161(b)	Board	Added the text heading “Restrictions.”
739.161(b)(1)	Board	Changed plural “used oil burners” to “a used oil burner”

739.161(b)(2)	Board	Changed plural “used oil burners” to “a used oil burner”;
739.162(a)	Board	Changed “shall” to “must”; changed “U.S. EPA” to “USEPA”
739.162(b)	Board	Changed “U.S. EPA” to “USEPA”; changed “the Regional Administrator” to “USEPA Region 5”; changed “their” to “its”; added “of the following”
739.162(b)(1)	Board	Changed “EPA” to “USEPA” (twice)
739.162(b)(2)	Board	Changed “EPA” to “USEPA” (twice)
739.162(c)	Board	Updated the address of the Illinois EPA
739.163 heading	Board	Changed “presumption for used oil” to capitalized “Presumption for Used Oil”
739.163(a)	Board	Changed “shall” to “must”
739.163(b)	Board	Changed “shall” to “must”; added “the following means”
739.163(c)	Board	Changed “35 Ill. Adm. Code 721.Subpart D” to “Subpart D of 35 Ill. Adm. Code 721”; removed “Edition III”; added “incorporated . . . 720.111”; changed “35 Ill. Adm. Code 721.Appendix H” to “Appendix H of 35 Ill. Adm. Code 721”; removed “U.S. EPA Publication SW-846 . . . (document number 955-001-00000-1)”
739.163(d)	Board	Changed “subsections (a), (b), and (c) above” to “subsections (a), (b), and (c) of this Section”; changed numeric “3” to written “three”
739.164 heading	Board	Changed “oil storage” to capitalized “Oil Storage”
739.164 preamble	Board	Added “federal” before “40 CFR 112”; changed “this Subpart” to “this Subpart F” (twice)
739.164(a)	Board	Changed “used oil burners” to singular “a used oil burner”
739.164(b)	Board	Added “the following must be true of”; changed “burner facilities” to singular “a burner facility”; removed the ending “must be”
739.164(b)(1)	Board	Added “the containers must be”
739.164(b)(2)	Board	Changed “not” to “the containers may not be”
739.164(c)	Board	Changed “burner facilities” to singular “a burner facility”
739.164(c)(1)	Board	Added “of the following”
739.164(c)(1)(A)	Board	Added a comma after “berms” to offset the final element of a series
739.164(d)(1)	Board	Added “of the following”
739.164(d)(1)(A)	Board	Added “of the following”
739.164(d)(1)(A)(i)	Board	Added a comma after “berms” to offset the final element of a series

739.164(e)	Board	Changed plural “new aboveground tanks” to singular “a new aboveground tank”
739.164(e)(1)	Board	Added “of the following”
739.164(e)(1)(A)	Board	Added “of the following”
739.164(e)(1)(A)(i)	Board	Added a comma after “berms” to offset the final element of a series
739.164(e)	Board	Changed plural “containers and aboveground tanks . . . at burner facilities” to singular “a container or aboveground tank . . . at a burner facility”
739.164(g)	Board	Changed “shall” to “must”
739.165(a)	Board	Changed plural “used oil burners” to singular “a used oil burner”; changed “shall” to “must”
739.165(a)(3)	Board	Changed “U.S. EPA” to “USEPA”
739.165(a)(4)	Board	Changed “U.S. EPA” to “USEPA”
739.166(a)	Board	Added “the following”
739.166(a)(1)	Board	Added “that”; changed “U.S. EPA” to “USEPA”
739.166(a)(2)	Board	Added “that”
739.167 heading	Board	Changed “residues” to capitalized “Residues”
739.167	Board	Changed plural “burners who generate” to “a burner that generates”
739.170(a)	Board	Changed “this Subpart” to “this Subpart H”
739.170(b)	Board	Changed “this Subpart” to “this Subpart H”
739.170(b)(1)	Board	Changed plural “used oil generators, and transporters that transport . . . their” to singular “a used oil generator, or transporter that transports . . . its”; changed plural “processors that burn” to singular “a processor that burns”; changed plural “generators and transporters that direct” to singular “a generator or transporter that directs”; changed plural “processors that incidentally burn . . . are” to singular “a processor that incidentally burns . . . is”; changed plural “marketers” to singular “a marketer”; changed “this Subpart” to “this Subpart H”
739.170(b)(2)	Board	Changed plural persons that direct . . . and that are” to singular “a person that directs . . . and which is”
739.170(c)	Board	Changed “this Subpart” to “this Subpart H”; changed “shall” to “must”
739.171 preamble	Board	Added “fulfills the following conditions”
739.171(a)	Board	Changed “U.S. EPA” to “USEPA”
739.172 heading	Board	Changed “On-specification used oil fuel” to capitalized “On-Specification Used Oil Fuel”
739.172(b)	Board	Changed “shall” to “must”
739.173(a)	Board	Changed “shall” to “must”; changed “U.S. EPA” to “USEPA”

739.173(b)	Board	Changed “U.S. EPA” to “USEPA”; changed “the Regional Administrator” to “USEPA Region 5”; changed “their” to “its”; added “of the following”
739.173(b)(1)	Board	Changed “EPA” to “USEPA”
739.173(b)(2)	Board	Changed “EPA” to “USEPA”
739.173(c)	Board	Updated the address of the Illinois EPA
739.174(a)	Board	Changed “shall” to “must”
739.174(b)	Board	Changed “shall” to “must”
739.175(a)	Board	Changed the personal pronoun “he” to “it”; changed “that” to “the following”
739.175(a)(1)	Board	Added “that”; changed “EPA” to “USEPA”
739.175(a)(2)	Board	Added “that”
739.175(b)	Board	Changed “subsection (a) above” to “subsection (a) of this Section”
739.180(a)	Board	Changed “this Subpart” to “this Subpart H”
739.181(a)	Board	Changed plural “used oils that are” to singular “a used oil that is”
739.181(b)	Board	Changed plural “used oils that are . . . wastes” to singular “a used oil that is . . . waste”
739.182	Board	Removed the subsection number from former subsection (a); deleted the conditional parenthetical “except when . . .”
739.182(b)	Board	Removed the unnecessary federal language relating to authorization of a state for use of used oil on roads
739.182(c)	Board	Removed the unnecessary and erroneous reference to a federal listing of states authorized to use used oil as a dust suppressant on roads

**HISTORY OF RCRA SUBTITLE C AND UIC ADOPTION**  
**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY OR BOARD ACTION**  
**EDITORIAL CONVENTIONS**

It has previously been the practice of the Board to include an historical discussion in its RCRA Subtitle C and UIC identical-in-substance rulemaking proposals. However, in the last RCRA Subtitle C update docket, RCRA Subtitle C Update, USEPA Amendments (July 1, 1999 through Dec. 31, 1999), R00-13 (May 18, 2000), the Board indicated that it would cease this practice. Therefore, for a complete historical summary of the Board’s RCRA Subtitle C and UIC rulemakings and programs, interested persons should refer back to the May 18, 2000 opinion and order in R00-13.

The historical summary contains all Board actions taken to adopt and maintain these programs since their inception and until May 18, 2000. It includes a listing of all site-specific rulemaking and adjusted standards proceedings filed that relate to these programs. It also lists all USEPA program authorizations issued during that time frame. As necessary the Board will continue to update the historical summary as a segment of the opinion in each RCRA Subtitle C

and UIC update docket, but those opinions will not repeat the information contained in the opinion of May 18, 2000, in docket R00-13.

The following summarizes the history of the Illinois RCRA Subtitle C hazardous waste and UIC programs since May 18, 2000:

**History of RCRA Subtitle C and State Hazardous Waste Rules Adoption**

The Board has adopted and amended the RCRA Subtitle C hazardous waste rules in the following docket since May 18, 2000:

- R00-13      RCRA Subtitle C Update, USEPA Regulations (July 1, 1999 through December 31, 1999), R00-13 (May 18, 2000); published at 24 Ill. Reg.9443 (July 7, 2000), effective June 20, 2000.
- R01-3      RCRA Subtitle C Update, USEPA Regulations (January 1, 2000 through June 30, 2000), R01-3 (December 7, 2000); published at 25 Ill. Reg. 1266 (Jan. 26, 2001), effective January 11, 2001.
- R01-23      RCRA Subtitle C Update, USEPA Regulations (July 1, 2000 through December 31, 2000), R01-23 (May 17, 2001); published at 25 Ill. Reg. 9108 (July 20, 2001), effective July 9, 2001. (Consolidated with UIC update docket R01-21.)
- R02-1      RCRA Subtitle C Update, USEPA Regulations (January 1, 2001 through June 30, 2001), R02-1 (April, 18, 2002); published at 26 Ill. Reg. 6667 (May 3, 2002), effective April 22, 2002. (Consolidated with RCRA Subtitle C Update docket R02-12 and UIC Update docket R02-17.)
- R02-12      RCRA Subtitle C Update, USEPA Regulations (July 1, 2001 through December 31, 2001), R02-12 (April, 18, 2002); published at 26 Ill. Reg. 6667 (May 3, 2002), effective April 22, 2002. (Consolidated with RCRA Subtitle C Update docket R02-1 and UIC Update docket R02-17.)
- R03-7      RCRA Subtitle C Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-7 (January 9, 2003); published at 27 Ill. Reg. 3496, effective February 14, 2003.
- R03-18      RCRA Subtitle C Update, USEPA Regulations (July 1, 2002 through December 31, 2002), R03-7 (June 5, 2003); published at 27 Ill. Reg. 12683, effective July 17, 2003.
- R04-6      RCRA Subtitle C Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-6 (August 7, 2003). (Dismissed because no federal actions in the period.)



R04-16      RCRA Subtitle C Update, USEPA Regulations (July 1, 2003 through December 31, 2003). (This docket.)

The Board has taken other actions since May 18, 2000 relating to administration of the Illinois hazardous waste program. The Board has made solid waste determinations by granting the following adjusted standards:

AS 01-7      Petition of Progressive Environmental Services, Inc. for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c), AS 02-7 (January 10, 2002) (used automotive antifreeze).

AS 02-2      Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard under 35 Ill. Adm. Code 720.131, AS 02-2 (May 2, 2002) (used automotive antifreeze).

### **History of UIC Rules Adoption**

The Board has adopted and amended Underground Injection Control (UIC) regulations in the following dockets since May 18, 2000:

R00-11      UIC Update, USEPA Regulations (July 1, 1999 through Dec. 31, 1999), R00-11 (Dec. 7, 2000); published at 25 Ill. Reg. 18585 (December 22, 2001), effective December 7, 2001. (Consolidated with docket R01-1.)

R01-1      UIC Update, USEPA Regulations (Jan. 1, 2000 through June 30, 2000), R01-1 (Dec. 7, 2000); published at 25 Ill. Reg. 18585 (December 22, 2001), effective December 7, 2001. (Consolidated with docket R00-11.)

R01-21      UIC Update, USEPA Regulations (July 1, 2000 through Dec. 31, 2000), R01-21 (May 17, 2001); published at 25 Ill. Reg. 9108 (July 20, 2001), effective July 9, 2001. (Consolidated with UIC update docket R01-23.)

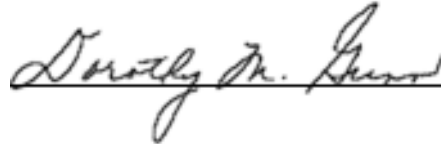
R02-17      UIC Update, USEPA Regulations (July 1, 2001 through Dec. 31, 2001), R02-17 (Apr. 18, 2002); published at 26 Ill. Reg. 6667 (May 3, 2002), effective April 22, 2002. (Consolidated with RCRA Subtitle C Update dockets R02-1 and R02-12.)

R03-5      UIC Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-5 (August 8, 2002). (Dismissed because no federal actions in the period.)

R03-16      UIC Update, USEPA Regulations (July 1, 2002 through December 31, 2002), R03-16 (February 6, 2003). (Dismissed because no federal actions in the period.)

- R04-4      UIC Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-4 (August 7, 2003). (Dismissed because no federal actions in the period.)
- R04-14     UIC Update, USEPA Regulations (July 1, 2003 through December 31, 2003), R04-14 (March 4, 2004). (Dismissed because no federal actions in the period.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion on April 1, 2004, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board