

ILLINOIS POLLUTION CONTROL BOARD
March 8, 1990

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS,) R89-9
(1-1-89 THROUGH 6-30-89)) (Rulemaking)

FINAL ORDER. ADOPTED RULES.

OPINION OF THE BOARD (by J. Anderson):*

By a separate Order, pursuant to Section 22.4(a) of the Environmental Protection Act (Act), the Board is amending the RCRA hazardous waste regulations.

Section 22.4 of the Act governs adoption of regulations establishing the RCRA program in Illinois. Section 22.4(a) provides for quick adoption of regulations which are "identical in substance" to federal regulations; Section 22.4(a) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR). The federal RCRA regulations are found at 40 CFR 260 through 270. This rulemaking updates Illinois' RCRA rules to correspond with federal amendments during the period January 1 through June 30, 1989. The Federal Registers utilized are as follows:

54 Fed. Reg. 617	January 9, 1989
54 Fed. Reg. 4021	January 27, 1989
54 Fed. Reg. 4288	January 30, 1989
54 Fed. Reg. 8266	February 27, 1989
54 Fed. Reg. 9607	March 7, 1989
54 Fed. Reg. 18837	May 2, 1989
54 Fed. Reg. 26198	June 22, 1989
54 Fed. Reg. 26647	June 23, 1989
54 Fed. Reg. 27116	June 27, 1989

The USEPA amendments include several site-specific delistings. As provided in 35 Ill. Adm. Code 720.122(d), the Board will not adopt site-specific delistings unless and until someone files a proposal showing why the delisting needs to be adopted as part of the Illinois program.

PUBLIC COMMENT

The Board adopted a proposal for public comment on December 6, 1989. The proposal appeared on January 5, 1990, at 14 Ill. Reg. 72. The Board received the following public comment:

* The Board acknowledges the contributions of Morton F. Dorothy and Anne E. Manly in the preparation of this Opinion and Order.

- PC 1 Big River River Zinc Corporation, December 4, 1989
- PC 2 Administrative Code Division, February 2, 1990
- PC 3 JCAR, February 6, 1990
- PC 4 USEPA, March 7, 1990

PC 1 concerns the listing of certain zinc production wastes, which was addressed in R89-1. The comment was docketed in this matter, because R89-1 was closed before it was received. The Sections involved have not been include in this update.

The Board received a series of letters from JCAR in response to the Proposal for Public Comment. JCAR indicated that the staff had raised no problems or questions. This has been docketed as PC 3.

In PC 4 USEPA pointed out a number of minor errors in the proposal. USEPA indicated that it had submitted the Proposed Opinion, which included a number of requests for comment, to headquarters for review. USEPA indicated that it would forward its response under a separate cover.

EXTENSION OF TIME ORDERS

Section 7.2(b) of the Act requires that identical in substance rulemakings be completed within one year after the first USEPA action in the batch period. If the Board is unable to do so it must enter an "extension of time" Order. The Board extended the time for this rulemaking on January 11, 1990. The notice appeared on March 2, 1990, at 14 Ill. Reg. 3283.

The public comment period ended on February 20, 1990. The Board anticipated adopting this rulemaking at its February 22, 1990 meeting. However, the Board postponed action to await comment from USEPA.

HISTORY OF RCRA, UST and UIC ADOPTION

The Illinois RCRA, UST (Underground Storage Tanks) and UIC (Underground Injection Control) regulations, together with more stringent State regulations particularly applicable to hazardous waste, include the following:

- 702 RCRA and UIC Permit Programs
- 703 RCRA Permit Program
- 704 UIC Permit Program
- 705 Procedures for Permit Issuance
- 709 Wastestream Authorizations
- 720 General
- 721 Identification and Listing
- 722 Generator Standards
- 723 Transporter Standards
- 724 Final TSD Standards
- 725 Interim Status TSD Standards
- 726 Specific Wastes and Management Facilities
- 728 USEPA Land Disposal Restrictions
- 729 Landfills: Prohibited Wastes

730 UIC Operating Requirements
731 Underground Storage Tanks
738 Injection Restrictions

Special procedures for RCRA cases are included in Parts 102, 103, 104 and 106.

Adoption of these regulations has proceeded in several stages. The Phase I RCRA regulations were adopted and amended as follows:

R81-22 45 PCB 317, February 4, 1982, 6 Ill. Reg. 4828, April 23, 1982.

R82-18 51 PCB 31, January 13, 1983, 7 Ill. Reg. 2518, March 4, 1983.

Illinois received Phase I interim authorization on May 17, 1982 (47 Fed. Reg. 21043).

The UIC regulations were adopted as follows:

R81-32 47 PCB 93, May 13, 1982; October 15, 1982, 6 Ill. Reg. 12479.

The UIC regulations were amended in R82-18, which is referenced above. The UIC regulations were also amended in R83-39:

R83-39 55 PCB 319, December 15, 1983; 7 Ill. Reg. 17338, December 20, 1983.

Illinois received UIC authorization February 1, 1984. The Board has updated the UIC regulations:

R85-23 70 PCB 311, June 20, 1986; 10 Ill. Reg. 13274, August 8, 1986.

R86-27 Dismissed at 77 PCB 234, April 16, 1987 (No USEPA amendments through 12/31/86).

R87-29 January 21, 1988; 12 Ill. Reg. 6673, April 8, 1988; (1/1/87 through 6/30/87).

R88-2 June 16, 1988; 12 Ill. Reg. 13700, August 26, 1988. (7/1/87 through 12/31/87).

R88-17 December 15, 1988; 13 Ill. Reg. 478, effective December 30, 1988. (1/1/88 through 6/30/88).

R89-2 January 25, 1990; 14 Ill. Reg. 3059, effective February 20, 1990 (7/1/88 through 12/31/88).

R89-11 Proposed Order January 25, 1990; Proposed March 2, 1990, at 14 Ill. Reg. 3006 (1/1/89 through 11/30/89).

R90-5 Next Docket

The Phase II RCRA regulations included adoption of Parts 703 and 724, which established the permit program and final TSD standards. The Phase II

regulations were adopted and amended as follows:

R82-19 53 PCB 131, July 26, 1983, 7 Ill. Reg. 13999, October 28, 1983.

R83-24 55 PCB 31, December 15, 1983, 8 Ill. Reg. 200, January 6, 1984.

On September 6, 1984, the Third District Appellate Court upheld the Board's actions in adopting R82-19 and R83-24. (Commonwealth Edison et al. v. IPCB, 127 Ill. App. 3d 446; 468 NE 2d 1339 (Third Dist. 1984).)

The Board updated the RCRA regulations to correspond with USEPA amendments in several dockets. The period of the USEPA regulations covered by the update is indicated in parentheses:

R84-9 64 PCB 427, June 13, 1985; 9 Ill. Reg. 11964, effective July 24, 1985. (through 4/24/84)

R85-22 67 PCB 175, 479, December 20, 1985 and January 9, 1986; 10 Ill. Reg. 968, effective January 2, 1986. (4/25/84 -- 6/30/85)

R86-1 71 PCB 110, July 11, 1986; 10 Ill. Reg. 13998, August 22, 1986. (7/1/85 -- 1/31/86)

R86-19 73 PCB 467, October 23, 1986; 10 Ill. Reg. 20630, December 12, 1986. (2/1/86 -- 3/31/86)

R86-28 75 PCB 306, February 5, 1987; and 76 PCB 195, March 5, 1987; 11 Ill. Reg. 6017, April 3, 1987. Correction at 77 PCB 235, April 16, 1987; 11 Ill. Reg. 8684, May 1, 1987. (4/1/86 -- 6/30/86)

R86-46 July 16, 1987; August 14, 1987; 11 Ill. Reg. 13435. (7/1/86 -- 9/30/86)

R87-5 October 15, 1987; 11 Ill. Reg. 19280, November 30, 1987. (10/1/86 -- 12/31/86)

R87-26 December 3, 1987; 12 Ill. Reg. 2450, January 29, 1988. (1/1/87 -- 6/30/87)

R87-32 Correction to R86-1; September 4, 1987; 11 Ill. Reg. 16698, October 16, 1987.

R87-39 Adopted June 14, 1988; 12 Ill. Reg. 12999, August 12, 1988. (7/1/87 -- 12/31/87)

R88-16 November 17, 1988; 13 Ill. Reg. 447, effective December 28, 1988 (1/1/88 -- 7/31/88)

R89-1 September 13, October 18 and November 16, 1989; 13 Ill. Reg. 18278, effective November 13, 1989 (8/1/88 -- 12/31/88)

R89-9 This Docket (1/1/89 through 6/30/89)

R90-2 Next Docket (7/1/89 through 12/31/89)

Illinois received final authorization for the RCRA program effective January 31, 1986.

The Underground Storage Tank rules were adopted in R86-1 and R86-28, which were RCRA update Dockets discussed above. They are currently being handled in their own Dockets:

- R88-27 April 27, 1989; 13 Ill. Reg. 9519, effective June 12, 1989 (Technical standards, September 23, 1989)
- R89-4 July 27, 1989; 13 Ill. Reg. 15010, effective September 12, 1989 (Financial assurance, October 26, 1989)
- R89-10 February 22, 1990 (Initial update, through 6/30/89)
- R89-19 Proposed January 11, 1990; Proposed February 23, 1990, at 14 Ill. Reg. 2791 (UST State Fund)
- R90-3 Proposed March 8, 1990 (7/1/89 - 12/31/89)

The Board added to the federal listings of hazardous waste by listing dioxins pursuant to Section 22.4(d) of the Act:

- R84-34 61 PCB 247, November 21, 1984; 8 Ill. Reg. 24562, effective December 11, 1984.

This was repealed by R85-22, which included adoption of USEPA's dioxin listings. Section 22.4(d) was repealed by S.B. 1834.

The Board has adopted USEPA delistings at the request of Amoco and Envirite:

- R85-2 69 PCB 314, April 24, 1986; 10 Ill. Reg. 8112, effective May 2, 1986.
- R87-30 June 30, 1988; 12 Ill. Reg. 12070, effective July 12, 1988.

The Board has procedures to be followed in cases before it involving the RCRA regulations:

- R84-10 62 PCB 87, 349, December 20, 1984 and January 10, 1985; 9 Ill. Reg. 1383, effective January 16, 1985.

The Board also adopted in Part 106 special procedures to be followed in certain determinations. Part 106 was adopted in R85-22 and amended in R86-46, listed above.

The Board has also adopted requirements limiting and restricting the landfilling of liquid hazardous waste, hazardous wastes containing halogenated compounds and hazardous wastes generally:

- R81-25 60 PCB 381, October 25, 1984; 8 Ill. Reg. 24124, December 4, 1984;

R83-28 February 26, 1986; 10 Ill. Reg. 4875, effective March 7, 1986.

R86-9 Emergency regulations adopted at 73 PCB 427, October 23, 1986; 10 Ill. Reg. 19787, effective November 5, 1986.

The Board's action in adopting emergency regulations in R86-9 was reversed (CBE and IEPA v. IPCB et al., First District, January 26, 1987).

DETAILED DISCUSSION

The Federal Registers involved in this rulemaking include the following:

January 9, 1989	Corrects references to Subpart X
January 27, 1989	Administrative stay of 8/17/88 Fed. Reg; waste Codes
January 30, 1989	Incineration permits
February 27, 1989	Third Third Ban schedule
March 7, 1989	Modification of Three Tier Modification system
May 2, 1989	Amendments First Third Bans
June 22, 1989	Correction to Subpart X Preamble; detonation distances
June 23, 1989	Second Third Bans
June 27, 1989	Delisting procdures

Several of these have been included in the list of federal actions even though ultimately they result in no Board action. The January 27 and June 22 Registers relate back to the Preambles to earlier Registers which the Board did adopt.

As is discussed below, the January 9 Federal Register corrects references to the new 35 Ill. Adm. Code 724.Subpart X.

The February 27 Register modifies USEPA's schedule for implementing the Third Third Bans. As is dicussed below in connection with Part 728, the Board has not adopted the schedule, which governs actions to be taken by USEPA.

As was discussed above, the Board has eliminated site-specific USEPA rules from the list of actions. The Board will not adopt these unless and until someone petitions the Board to do so, and shows why the delisting needs to be a part of the Illinois program.

What remains is, by RCRA standards, a rather short rulemaking. Most of the bulk is the June 23, 1989 Second Third Bans.

The rules have been edited to establish a uniform usage with respect to "shall", "must", "will" and "may". "Shall" is used when the subject of a sentence has to do something. "Must" is used when someone is not the subject of the sentence. "Will" is used when the Board obligates itself to do something. "May" is used when a provision is optional. Some of the USEPA rules appear to say something other than what was intended. Others do not read correctly when the Board or IEPA is substituted into the federal rule. The Board does not intend to make any substantive change in the rules by way of these edits.

PARTS 702 AND 703: RCRA PERMITS

These Parts were originally based on the consolidated permit rules in 40 CFR 122. These have now been deconsolidated to 40 CFR 270. Some of the Sections still show the old Part 122 "Board Notes". Because these Parts lack the simple relationship to the current organization of the federal rules, it is necessary to use a cross reference table. An updated version of the table appears at the end of this Opinion.

Section 702.122

Part 702 was amended in R89-2 since the proposal in this Docket. This action is reflected in the Main Source Note, but does not affect this Section.

This Section is drawn from 40 CFR 270.10(c), which was amended at 54 Fed. Reg. 9607. The amendment allows the Agency to deny a permit for the active life of a facility prior to receipt of a complete application. Note that virtually all facilities will receive a post-closure care permit even though the application for a permit to operate is denied.

Section 703.121

This Section is drawn from 40 CFR 270.1(c), which was amended at 54 Fed. Reg. 9607. The new language has been added as Section 703.121(c). The denial of a permit for the active life does not affect the duty to obtain a post-closure care permit.

Section 703.155

This Section is drawn from 40 CFR 270.72, which was amended at 54 Fed. Reg. 9607. The amendments allow interim status facilities to make changes to enable them to comply with the landfill bans discussed below, without filing a Part B application for a RCRA permit.

40 CFR 270.72(a)(2)(ii) allows changes which are "necessary to comply with a Federal, State, or local requirement." The Board has added a reference to 35 Ill. Adm. Code 725, which will be the most common type of requirement. This follows the existing language in Section 703.155(a)(3)(B). At both points, the Board has added a reference to the land disposal bans in 35 Ill. Adm. Code 728 and 729, which are another type of "State or local" requirement. The Board solicited comment, but received no response, as to whether these examples are indeed "requirements" of the type contemplated in the USEPA rule.

40 CFR 270.72(a)(5) and (b)(5) authorize:

Changes made in accordance with an interim status corrective action order issued by EPA under section 3008(h) (of RCRA) or other Federal authority, by an authorized State under comparable authority, or by a court in a judicial action brought by EPA or by an authorized state.

In Section 703.155(a)(5) and (b)(5), the Board has rendered this as follows:

Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or, the Board.

In Illinois any person may bring an enforcement action before the Board under Section 31 of the Act. In addition, the Attorney General or a State's Attorney may seek an injunction in Circuit Court under Section 43 of the Act. In R84-10 the Board adopted procedures in 35 Ill. Adm. Code 103 to assure that the Agency participates in enforcement actions brought before the Board by other complainants, to avoid the possibility of an Order which might be inconsistent with RCRA.

The reference to Section 3008(h) of RCRA serves to identify the type of action taken by USEPA. As such, it is not an incorporation by reference of the standards contained in that Section. On the other hand, in 40 CFR 270.72(b)(6) there is a reference to the statutory land disposal bans in Section 3004 of RCRA. This does function as an incorporation by reference. The Board has instead referenced existing Section 728.139, which in turn references the statutory bans. This editorial change isolates the problems which the reference to the federal statute may create, and will make it easier to update the reference.

Section 703.157

This Section is drawn from 40 CFR 270.73, which was amended at 54 Fed. Reg. 9607. The amendment terminates interim status for facilities treating wastes subject to the land disposal bans after 12 months, unless the operator certifies that the facility is in compliance with the interim status groundwater monitoring and financial assurance requirements.

Section 703.183

This Section is drawn from 40 CFR 270.14(b), which was amended at 54 Fed. Reg. 617. The amendments affect cross references in 40 CFR 270.14(b)(5) and (13) (Section 703.183(e) and (m)). The amendments appear to be restoring cross references which were recently changed in R89-1. The Board solicited comment as to whether USEPA had made a "base text" error, but received no response.

The Board has traced the history of these provisions, and determined that the proposed text is correct. These cross references concern inspection schedules for tank systems. The tank systems rules were amended at 51 Fed. Reg. 25472, July 14, 1986. These were addressed in R86-46, at which time the cross references were corrected. USEPA made a base text error in the "Subpart X" rules adopted at 52 Fed. Reg. 46963, December 10, 1987. These were inadvertently omitted from R87-39, and adopted in R89-1. In that Docket, the Board overlooked the USEPA base text error, and adopted the incorrect references. At 54 Fed. Reg. 617, USEPA has restored the cross references

adopted with the tank systems rules. Therefore, the rules appear to be correct as proposed in this Docket.

Section 703.225

This Section is drawn from 40 CFR 270.62(d) (1988), as amended at 54 Fed. Reg. 4822. This Section governs trial burns at existing incinerators. The amendments add cross references to the exemptions in Section 703.205(a) for incinerators burning waste which is hazardous only because it is ignitable, reactive or corrosive.

Section 703.240

This new Section is drawn from 40 CFR 270.29, which was added at 54 Fed. Reg. 9607. This authorizes the Agency to deny a permit application only as to the active life of a facility or unit. The Agency would then issue a post-closure care permit pursuant to Section 703.121(b).

Section 703.Appendix A

This Section is drawn from 40 CFR 270.42, Appendix I, as amended at 54 Fed. Reg. 9607. This is the three tier permit modification system, which was just adopted in R89-1. The modifications specify the procedures to be used for several types of permit modifications associated with management of waste subject to landfill bans. It is generally possible to add treatment required by the bans with a minimum of paperwork.

The amendments add item F(4) to the Appendix. There is already an unrelated item F(4). The Board has renumbered this to item F(5). The Board solicited comment, but received no response.

The USEPA rule includes an apparent incorrect cross reference at item H(5)(c). 40 CFR "269.8" has been changed to "268.8". (PC 4)

PART 720: GENERAL PROVISIONS

Section 720.111

This is the incorporations by reference Section. There are no amendments at the federal level. The Board has updated the "abnormal" incorporations by reference of federal regulations to reference the 1989 edition. The 1989 edition includes rules adopted through June 30, 1989, the date of this update.

The Board solicited comment, but received no response, as to whether there may be newer editions of the other items in the incorporations by reference Section.

This Section was amended in R89-2 subsequent to the proposal in this Docket. Under the heading "USEPA", a reference was added to a Technical Assistance Document of Corrosion.

Section 720.122

This Section concerns petitions to delist. When the Board adopted this Section, it referenced 40 CFR 260.22, without setting forth the full text. This is now authorized by Section 7.2(a)(5). The Board has continued this format, but has updated the reference to include the recent amendment at 54 Fed. Reg. 27116. The Board has added the formal incorporation by reference language now required by the APA.

The Board believes that delisting will be primarily a USEPA function at least in the foreseeable future, so that petitions to delist will be directed to USEPA. The Board sees no need at present to adopt a rule setting out the content of these petitions, absent USEPA clarification concerning the initiation and resolution of delisting petitions at the State level. The Board solicited comment, but received no response, as to whether it ought to adopt the text concerning delisting petitions.

The main portion of the text of Section 720.122 explains how the delisting procedure fits into the Illinois program. The Board has adopted no changes. These provisions are authorized under Section 7.2(a)(3) and (5) of the Act.

PART 728: LANDFILL BANS

40 CFR 268.10 through 268.12 were amended at 54 Fed. Reg. 8266, 18837 and 26647. In these Sections USEPA sets out its regulatory agenda for implementing the hazardous waste bans, as required by the HSWA amendments to RCRA. Up to this point the Board has not adopted State equivalents, since these regulations apply only to USEPA. For example, adopting the verbatim text would create an Illinois rule which USEPA would violate if it failed to meet the HSWA deadlines for regulating certain categories of waste. Section 7.2(a)(1) of the Act provides that the Board should not adopt such rules. However, in the amendments to the Sections discussed below, USEPA has referenced the lists in these Sections. Conceivably the Board needs to adopt equivalents to the lists insofar as the lists define categories of wastes.

At most points in the text of the USEPA rules the references take the following form: "The following wastes, listed in Section 268.10, 268.11 and 268.12, are prohibited from land disposal: Numbers K001 ..." The references are superfluous for several reasons. First, the wastes are fully defined by the numbers, which reference the definition of hazardous waste in Part 261. Second, each references the full panoply of hazardous waste, without adding anything to the specification. For these references the Board has simply omitted the references to Sections 268.11 et seq., since they add nothing to the rule. However, Section 728.134(h) includes a temporary rule for second third wastes. In the adopted rules, the Board has referenced to the USEPA list in 40 CFR 268.11. The Board solicited comment, but received no response, as to whether it ought to adopt the equivalent of these Sections insofar as they define the types of wastes subject to the ban dates.

Section 728.134

This new Section contains the waste-specific prohibitions for the "second third wastes" under HSWA. It is derived from 40 CFR 268.34, which was added at 54 Fed. Reg. 26647.

The Board has made a number of editorial revisions to this Section. First, each subsection is worded as follows: "Effective A, the wastes specified in 40 CFR 261.BBB as Numbers C, D, E, etc. are prohibited from land disposal." The rule is much easier to read, and edit, if the list ("C, D, E, etc.") is broken out as an alphanumeric list. However, this produces a hanging paragraph ("are prohibited ..."), which is prohibited by the Code Unit. The Board has therefore generally worded these as follows: "Effective A, the following wastes, specified in 40 CFR 261.BBB, are prohibited from land disposal: Numbers C, D, E, etc."

Second, the USEPA rules include a number of delayed effective dates and temporary rules, which will already have been passed and expired before the Board rules are adopted. The Board has omitted these, so as to make the final USEPA rules immediately effective in such cases.

Section 728.141 (Not amended)

40 CFR 268.41 was amended at 54 Fed. Reg. 26647. However, the amendments affect only the USEPA Table CCWE, which, pursuant to codification requirements, appears as Table A at the end of the Part.

Section 728.142

This Section is drawn from 40 CFR 268.42, which was amended at 54 Fed. Reg. 26647. Section 728.142(a)(3) and (4) have been added to specify treatment technologies for certain second third wastes.

40 CFR 268.42(a)(3) allows certain wastes to be burned in boilers or industrial furnaces "in accordance with applicable regulatory standards". This may be a reference to defined terms in 35 Ill. Adm. Code 720.110, and procedures and standards in 35 Ill. Adm. Code 720.132 et seq and 726.130 et seq, in which case the reference needs to be given in the rule. Alternatively, it may be a broader reference, in which case it may be a "piggy-back rule", a rule of the form: "No person shall violate Rule X". Piggy-back rules are of questionable validity, since they may not adequately inform the public of what is required. The Board has used the above references to the hazardous waste rules, and dropped the broader reference. The Board solicited comment, but received no response, on this matter.

Section 728.143

40 CFR 268.43 was amended at 54 Fed. Reg. 26647. Most of the amendments affect Table CCW, which appears at the end of the Part as Table B. The amendment which affects Section 728.143 is the addition of a sampling rule at the end of subsection (a).

The introduction (item 8) in the Federal Register refers to addition of a "paragraph(b) ... to the subtable for No Land Disposal". The text appears to be identical to the text which already exists in Section 728.143(b).

Section 728.Table A (CCWE)

This Table is drawn from 40 CFR 268.41, Table CCWE, which was amended at 54 Fed. Reg. 26647. The amendments add treatment standards, as constituent

concentrations in the waste extract (CCWE), for the second third wastes.

The entry in the proposal for "F028 non-wastewaters" has been corrected to "K028 non-wastewaters. (PC 4)

Section 728.Table B (CCW)

This Table is drawn from 40 CFR 268.43, Table CCW, which was amended at 54 Fed. Reg. 26647. The amendments add treatment standards, as constituent concentrations in the waste itself (CCW), for the second third wastes, and modify the standards for first third wastes.

In 40 CFR 268.43, Table CCW, the subtable in the proposal for "K026 non-wastewaters" has been corrected to read "K028 non-wastewaters". (PC 4)

In 40 CFR 268.43, Table CCW, the subtables for K028 wastewaters include entries for "trans-1,2-Dichloroethane". This is incorrect, since ethane does not have cis or trans forms. The Board has changed these apparent typographical errors to "trans-1,2-Dichloroethene", which does have a trans form, and which is a likely constituent of K028. "1,2-Dichloroethane" could also be a K028 constituent. However, a single character typographical error ("e" to "a") is much more likely than insertion of a "trans" into the name.

The subtables for U028 include standards for "Bis-(2-ethylhexyl) phthalate". U028 is listed in 40 CFR 261.33 as "Diethylhexyl phthalate" and as "1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester". The name used in 40 CFR 268.43 is an unsatisfactory hybrid of these names. The following subtables use the shorter name for similar phthalic acid esters. The Board has therefore used "Diethylhexyl phthalate" in this entry. This makes it possible to cross-reference this entry to 40 CFR 261. This also avoids having to deal with more difficult questions, such as whether the hyphen is correct after the "bis", and whether it is proper to use the "bis" form in this name. The Board has corrected this entry at several points in the tables adopted in R89-1.

The subtable for U235 includes an entry for "tris-(2,3-Dibromopropyl) phosphate". In 40 CFR 261, USEPA follows the practice of capitalizing the character by which it alphabetizes the name. It's not clear whether it is more correct to capitalize the "t" or "d" in this name. However, following capitalization used in 40 CFR 261 makes it a lot easier to find the names in the lists. The Board has therefore capitalized the "t". The Board solicited comment, but received no response, as to these changes.

Table B includes a subtable for "No Land Disposal". This was amended at 54 Fed. Reg. 18837 and 26647. There are a number of ambiguities in these Federal Registers.

The introduction to item number 3 in 54 Fed. Reg. 18837 indicates that Table CCW is "amended by revising ... to read as follows". Entries for K015 and K083 are omitted. The Board takes this to mean that they are to be deleted from the list.

54 Fed. Reg. 18837 includes extensive revisions to the entries for K004 and K008. However, the introduction to item number 8 in 54 Fed. Reg. 26647

says to remove the entries for K004 and K008. The Board has done so. The Board solicited comment, but received no response, as to whether this might be an error.

As noted in connection with Section 728.143, the introduction to item number 8 in 54 Fed. Reg. 26647 includes an instruction to add a "paragraph (b) ... to the subtable for No Land Disposal". In the Board's codified format, paragraph (b) already exists in Section 728.143, and applies equally to the two subtables contained in Table B.

CONVERSION TABLES

The following tables convert Illinois Section numbers to federal Section numbers, and vice versa. These tables include 35 Ill. Adm. Code 702, 703 and 704, and 40 CFR 144 and 270.

These tables include Illinois Sections adopted through R89-9 (RCRA) and R89-2 (UIC). For RCRA, this includes USEPA amendments through June 30, 1989. For UIC, this includes USEPA amendments through December 31, 1988.

<u>35 IAC</u>	<u>STATE TO FEDERAL TABLE</u>	
	<u>RCRA</u> <u>40 CFR</u>	<u>UIC</u> <u>40 CFR</u>
702.101	270.1(a)	
702.103	270.12	144.5
702.104	270.6	
702.110	270.2	144.3
702.120	270.10(a)	144.31(a)
702.121	270.10(b)	144.31(b)
702.122	270.10(c)	144.31(d)
702.123	270.13	
702.123	270.10(d)	144.31(e)
702.124	270.10(1)	144.31(f)
702.125	270.51	144.37
702.126	270.11	144.32
702.140	270.30	144.52(c)
702.141	270.30(a)	144.51(a)
702.142	270.30(b)	144.51(b)
702.143	270.30(c)	144.51(c)
702.144	270.30(d)	144.51(d)
702.145	270.30(e)	144.51(e)
702.146	270.30(f)	144.51(f)
702.147	270.30(g)	144.51(g)
702.148	270.30(h)	144.51(h)
702.149	270.30(i)	144.51(i)
702.150(a)	270.30(j)(1)	144.51(j)(1)
702.150(b)	270.30(j)(2)	144.51(j)(2)(i)
702.150(c)	270.30(j)(3)	144.51(j)(3)
702.151	270.30(k)	144.51(1)
702.152	270.30(1)	144.51(1)
702.160(a)	270.32(a)	144.52(a)
702.160(b)(1)	270.32(b)	144.52(b)
702.160(b)(2)	270.32(c)	144.52(b)

702.160(b)(3)	270.32(d)	144.52(b)
702.160(c)	270.32(e)	144.52(c)
702.161	270.50	144.36
702.162	270.33(a)	144.53(a)
702.163	270.33(b)	144.53(b)
702.164	270.31	144.54
702.181	270.4	144.35
702.186	270.43	144.40
703.121	270.1(c)	
703.122	270.1(c)(1)	
703.123	270.1(c)(2)	
703.124	270.1(c)(3)	
703.125	270.10(h)	
703.126	270.10(f)	
703.141	270.60	
703.150	270.10(e)	
703.151	270.10(f)	
703.152	270.10(g)	
703.153	270.70	
703.154	270.71(a)	
703.155	270.72	
703.156	270.71(b)	
703.157	270.73	
703.157	270.10(e)(5)	
703.158	270.1(c)(4)	
703.159	270.1(c)(5)	
703.160	270.1(c)(6)	
703.181	270.13	
703.182	270.14(a)	
703.183	270.14(b)	
703.184(c)	270.14(b)(11)(iii)	
703.184(d)	270.14(b)(11)(iv)	
703.184(e)	270.14(b)(11)(v)	
703.185	270.14(c)	
703.186	270.10(j)	
703.187	270.14(d)	
703.188	270.10(k)	
703.201	270.15	
703.202	270.16	
703.203	270.17	
703.204	270.18	
703.205	270.19	
703.206	270.20	
703.207	270.21	
703.209	270.23	
703.221	270.61	
703.222	270.62(a)	
703.223	270.62(b)	
703.224	270.62(c)	
703.225	270.62(d)	
703.230	270.63	
703.231	270.65	
703.240	270.29	
703.241(a)	270.32(b)	

703.242	270.30(a)	
703.243	270.30(j)(2)	
703.244	270.30(k)	
703.245	270.30(k)(6)	
703.246(a)	270.30(k)(7)	
703.246(b)	270.30(k)(8)	
703.246(c)	270.30(k)(9)	
703.247	270.30(l)(2)	
703.260	270.40	
703.270	270.41	
703.271	270.41(a)	
703.272	270.41(b)	
703.273	270.41(c)	
703.280	270.42(d) - (h)	
703.281	270.42(a)	
703.282	270.42(b)	
703.282	270.42(c)	
703.App A	270.42, App. I	
704.101		144.1(a)
704.102		144.1(g)
704.103		144.1(g)
704.104		144.1(g)
704.104		144.7(b)(1)
704.105		144.1(g)(1)
704.106		144.6
704.107		144.3
704.121		144.11
704.122		144.12
704.123(a)		144.7(a)
704.123(b)(2)		144.7(b)(2)
704.123(b)(3)		144.7(b)(3)
704.123(b)(3)		144.7(c)
704.124		144.13
704.141		144.21
704.141		144.21(b)
704.142		144.23
704.143		144.21(a)
704.144		144.21(c)
704.145		144.23
704.146		144.24
704.147		144.25
704.148		144.26
704.149		144.27
704.150		144.28
704.151		144.1(h)
704.161(a)		144.31(a)
704.161(b)		144.31(c)
704.161(d)		144.31(g)
704.161(e)		144.31(e)(9)
704.162		144.33
704.163		144.34
704.164		144.32(a)
704.181(a)		144.51(a)
704.181(b)		144.51(j)(2)(ii)

704.181(c)	144.51(m)
704.181(d)	144.51(l)(6)
704.181(e)	144.51(n)
704.181(f)	144.51(o)
704.181(g)	144.51(p)
704.182	144.52(a)
704.183	144.52(a)
704.184	144.52(a)
704.185	144.52(a)
704.186	144.52(a)
704.187	144.52(a)
704.188	144.52(a)
704.189	144.52(a)
704.190	144.52(a)
704.191	144.52(a)
704.192	144.16
704.193	144.55
704.201	144.14(a)
704.202	144.14(b)
704.203	144.14(c)
704.210	144.60
704.211	144.61
704.212	144.62
704.213	144.63
704.214	144.63(a)
704.215	144.63(b)
704.216	144.63(c)
704.217	144.63(d)
704.218	144.63(e)
704.219	144.63(f)
704.220	144.63(g)
704.221	144.63(h)
704.222	144.63(i)
704.230	144.64
704.240	144.70
704.260	144.38
704.261	144.39
704.262	144.39(a), (b)
704.263	144.39(c)
704.264	144.41

FEDERAL TO STATE CONVERSION TABLE: RCRA

<u>RCRA</u> <u>40 CFR</u>	<u>35 IAC</u>
270.1(a)	702.101
270.1(c)	703.121
270.1(c)(1)	703.122
270.1(c)(2)	703.123
270.1(c)(3)	703.124
270.1(c)(4)	703.158
270.1(c)(5)	703.159
270.1(c)(6)	703.160

270.2	702.110
270.4	702.181
270.6	702.104
270.10(a)	702.120
270.10(b)	702.121
270.10(c)	702.122
270.10(d)	702.123
270.10(e)	703.150
270.10(e)(5)	703.157
270.10(f)	703.151
270.10(f)	703.126
270.10(g)	703.152
270.10(h)	703.125
270.10(j)	703.186
270.10(k)	703.188
270.10(l)	702.124
270.11	702.126
270.12	702.103
270.13	703.181
270.13	702.123
270.14(a)	703.182
270.14(b)	703.183
270.14(b)(11)(iii)	703.184(c)
270.14(b)(11)(iv)	703.184(d)
270.14(b)(11)(v)	703.184(e)
270.14(c)	703.185
270.14(d)	703.187
270.15	703.201
270.16	703.202
270.17	703.203
270.18	703.204
270.19	703.205
270.20	703.206
270.21	703.207
270.23	703.209
270.29	703.240
270.30	702.140
270.30(a)	703.242
270.30(a)	702.141
270.30(b)	702.142
270.30(c)	702.143
270.30(d)	702.144
270.30(e)	702.145
270.30(f)	702.146
270.30(g)	702.147
270.30(h)	702.148
270.30(i)	702.149
270.30(j)(2)	703.243
270.30(j)(2)	702.150(b)
270.30(j)(3)	702.150(c)
270.30(j)(1)	702.150(a)
270.30(k)	703.244
270.30(k)	702.151
270.30(k)(6)	703.245

270.30(k)(7)	703.246(a)
270.30(k)(8)	703.246(b)
270.30(k)(9)	703.246(c)
270.30(1)	702.152
270.30(1)(2)	703.247
270.31	702.164
270.32(a)	702.160(a)
270.32(b)	703.241(a)
270.32(b)	702.160(b)(1)
270.32(c)	702.160(b)(2)
270.32(d)	702.160(b)(3)
270.32(e)	702.160(c)
270.33(a)	702.162
270.33(b)	702.163
270.40	703.260
270.41	703.270
270.41(a)	703.271
270.41(b)	703.272
270.41(c)	703.273
270.42(a)	703.281
270.42(b)	703.282
270.42(c)	703.282
270.42(d) - (h)	703.280
270.42, App. I	703.App A
270.43	702.186
270.50	702.161
270.51	702.125
270.60	703.141
270.61	703.221
270.62(a)	703.222
270.62(b)	703.223
270.62(c)	703.224
270.62(d)	703.225
270.63	703.230
270.65	703.231
270.70	703.153
270.71(a)	703.154
270.71(b)	703.156
270.72	703.155
270.73	703.157

FEDERAL TO STATE CONVERSION TABLE: UIC

<u>UIC</u> <u>40 CFR</u>	<u>35 IAC</u>
144.1(a)	704.101
144.1(b)	fed
144.1(c)	fed
144.1(d)	fed
144.1(e)	fed
144.1(f)	fed
144.1(g)	704.102
144.1(g)	704.103

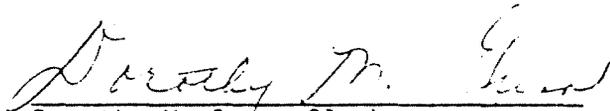
144.1(g)	704.104
144.1(g)(1)	704.105
144.1(h)	704.151
144.2	fed
144.3	704.107
144.3	702.110
144.4	fed
144.5	702.103
144.6	704.106
144.7(a)	704.123(a)
144.7(b)(1)	704.104
144.7(b)(2)	704.123(b)(2)
144.7(b)(3)	704.123(b)(3)
144.7(c)	704.123(b)(3)
144.8	fed
144.11	704.121
144.12	704.122
144.13	704.124
144.14(a)	704.201
144.14(b)	704.202
144.14(c)	704.203
144.15	fed
144.16	704.192
144.21	704.141
144.21(a)	704.143
144.21(b)	704.141
144.21(c)	704.144
144.22	fed
144.23	704.145
144.23	704.142
144.24	704.146
144.25	704.147
144.26	704.148
144.27	704.149
144.28	704.150
144.31(a)	704.161(a)
144.31(a)	702.120
144.31(b)	702.121
144.31(c)	704.161(b)
144.31(d)	702.122
144.31(e)	702.123
144.31(e)(9)	704.161(e)
144.31(f)	702.124
144.31(g)	704.161(d)
144.32	702.126
144.32(a)	704.164
144.33	704.162
144.34	704.163
144.35	702.181
144.36	702.161
144.37	702.125
144.38	704.260
144.39	704.261
144.39(a), (b)	704.262

144.39(c)	704.263
144.40	702.186
144.41	704.264
144.51(a)	704.181(a)
144.51(a)	702.141
144.51(b)	702.142
144.51(c)	702.143
144.51(d)	702.144
144.51(e)	702.145
144.51(f)	702.146
144.51(g)	702.147
144.51(h)	702.148
144.51(i)	702.149
144.51(j)(2)(i)	702.150(b)
144.51(j)(2)(ii)	704.181(b)
144.51(j)(3)	702.150(c)
144.51(j)(1)	702.150(a)
144.51(l)	702.151
144.51(l)	702.152
144.51(l)(6)	704.181(d)
144.51(m)	704.181(c)
144.51(n)	704.181(e)
144.51(o)	704.181(f)
144.51(p)	704.181(g)
144.52(a)	704.182
144.52(a)	704.183
144.52(a)	704.184
144.52(a)	704.185
144.52(a)	704.186
144.52(a)	704.187
144.52(a)	704.188
144.52(a)	704.189
144.52(a)	704.190
144.52(a)	704.191
144.52(a)	702.160(a)
144.52(b)	702.160(b)(1)
144.52(b)	702.160(b)(2)
144.52(b)	702.160(b)(3)
144.52(c)	702.160(c)
144.52(c)	702.140
144.53(a)	702.162
144.53(b)	702.163
144.54	702.164
144.55	704.193
144.60	704.210
144.61	704.211
144.62	704.212
144.63	704.213
144.63(a)	704.214
144.63(b)	704.215
144.63(c)	704.216
144.63(d)	704.217
144.63(e)	704.218
144.63(f)	704.219

144.63(g)	704.220
144.63(h)	704.221
144.63(i)	704.222
144.64	704.230
144.65	fed
144.66	fed
144.70	704.240

This Opinion supports the Board's Order of this same day. The Board will wait 30 days before filing the adopted rules with the Administrative Code Division, in order to allow time for motions for reconsideration by the agencies involved in the authorization process.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion was adopted on the 9th day of March, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board