

ILLINOIS POLLUTION CONTROL BOARD
February 22, 1990

IN THE MATTER OF:)
)
PRETREATMENT CORRECTIONS) R89-20
) (Rulemaking)

ORDER OF THE BOARD (by J. Anderson):

On January 11, 1990, the Board entered an Order requesting public comment on the possible need for corrections to the industrial sewage pretreatment regulations, 35 Ill. Adm. Code 307 and 310, which were adopted and amended pursuant to Section 13.3 of the Environmental Protection Act, as follows:

- R86-44 84 PCB 89, December 3, 1987; 12 Ill. Reg. 2502, January 29, 1988, effective January 13, 1989 (Initial adoption)
- R88-11 90 PCB 411, June 16, 1988; 12 Ill. Reg. 13094, August 12, 1988, effective July 29, 1988 (Updates through 12/31/87)
- R88-18 December 15, 1988; 13 Ill. Reg. 1794, February 10, 1990, and 13 Ill. Reg. 2463, February 24, 1989, effective January 31, 1989 (1/1/88 through 6/30/88)
- R89-3 September 28, 1989; 13 Ill. Reg. 19243, December 8, effective November 17 & 27, 1989; (7/1/88 through 12/31/88)
- R89-12 Proposal for Public Comment, December 6, 1989; 13 Ill. Reg. 20240, December 29, 1989 (1/1/89 through 6/30/89)
- R90-6 Next Update (7/1/89 through 12/31/89)

The Board received from the United States Environmental Protection Agency (USEPA) Region V a copy of a letter dated October 24, 1989, from USEPA to the Illinois Environmental Protection Agency (Agency). This letter, together with a copy of a letter dated February 9, 1989 (referred to in the letter of October 24), was made PC #1 in this Docket. These letters address certain obstacles to approval of the pretreatment program.

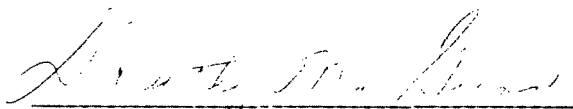
The Board could have addressed many of the issues these letters raise in R86-44 or one of the subsequent update dockets, had USEPA addressed its concerns directly to the Board as public comment (like Region V does in the RCRA identical in substance proceedings) or if the Agency had decided to promptly forward copies of the USEPA letters to the Board. (The Board appreciates USEPA promptly fulfilling requests for copies of these letters.) For example, one issue concerns 40 CFR 403.5(e). Had the Board earlier known the USEPA position, it would have been better informed during the course of these rulemaking proceedings.

On February 20, 1990, the Board received a letter from the Agency

indicating that it was working with USEPA to correct misconceptions and resolve differences through clarification in a delegation agreement. Neither the Agency nor USEPA has determined that the existing Board regulations require any revision other than timely updates. The Agency will contact the Board immediately if correction is needed. The Board therefore dismisses this Docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 2nd day of February, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board