



RECEIVED
CLERK'S OFFICE

R0501

FEB 28 2005

PC#2

STATE OF ILLINOIS
Pollution Control Board
WASTE MANAGEMENT

Midwest Group
720 E. Butterfield Road
Lombard, IL 60148
(630) 572-8800
(630) 916-8182 Fax

February 25, 2005

M. McCambridge, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

RE: R05-1, Proposed Rulemaking for RCRA Subtitle D Update, USEPA Regulations
(January 1, 2004, through June 30, 2004)

Dear Hearing Officer McCambridge:

Thank you for the opportunity to comment on R05-1, the identical-in-substance rulemaking to update the municipal solid waste landfill (MSWLF) regulations to incorporate the federal regulations for temporary research, development, and demonstration (RD&D) permits.

Waste Management of Illinois, Inc. (WMI) supports this rulemaking for RD&D permits that will allow for exceptions to limited landfill requirements for the use of innovative technologies at landfills. The Board has specifically requested comments on two issues: (1) rendering the decision to allow alternative practices that the Agency could allow in RD&D permits as an adjusted standard determination and (2) providing the mechanism of an enforcement action for Board termination of operations under the RD&D permit is appropriate in the event the objectives of the permit are not achieved.

WMI is submitting comments only on the adjusted standard determination. We believe that the regulatory amendment, as proposed, does not provide any additional capability than what is already provided in the current system. Under the current system, if a facility would want to accept liquid wastes or install an alternate final cover design, the facility would need to apply for an adjusted standard from the IPCB. If successful, the facility would need to apply for a permit from the IEPA, under the authority of the adjusted standard. Under the new proposal, the facility would follow the identical procedure. Therefore, for purposes of streamlining and eliminating redundancy from regulatory procedures, we could not support the IPCB proposal. The intent of the USEPA rule is to provide a simple permitting mechanism for these alternate technologies. The current proposal does not do this.

Other states have already begun accepting applications for these alternate technologies under their existing or modified regulations. We would support regulatory amendments in Illinois that would make this possible, consistent with other states and, what we believe, is the USEPA's intent.

Thank you for the opportunity to provide our comments.

Sincerely,

William R. Schubert, P.E.
Director - Environmental Engineering