

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1990

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

ORDER OF THE BOARD (J. Anderson):

On December 20, 1989, the Board opened and reserved this Docket to address 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, 1989 & 13 Ill. Reg. 2463, February 24, 1989, effective January 31, 1989 (7-1-88 through 12/31/88)
- R89-3 September 28, 1989; 13 Ill. Reg. 19243, December 8, 1989, 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)

The Board has 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), has been 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 comments (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 Region V promptly fulfilling requests for copies 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.

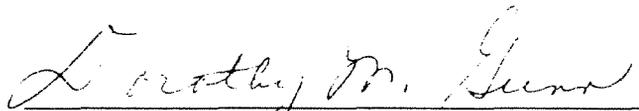
The Board is highly desirous of fulfilling its mandate under Section 13.3 of the Act to adopt pretreatment rules, by a time certain, that are identical in substance to those of USEPA and approvable by that agency. Nevertheless, at this juncture, the Board would intend to address some of the USEPA-cited deficiencies through amendment of its pretreatment rules in this separate docket.

However, the Board is reluctant to develop a proposal at this time, because the letter, which was not addressed to the Board, may be a preliminary or incomplete listing of needed revisions. The Board therefore solicits comment as to whether it ought to develop a proposal addressing the problems noted in the letter. More specifically, **the Board solicits comment directly from USEPA, the Agency, and the Attorney General** as to the deficiencies that the Board could remedy by regulatory amendment. The Board wishes to receive these requested comments before February 13, 1990. The mailing list in R89-12 will be used in this Docket.

The Board particularly draws attention to the fact that Section 7.2(b) places the Board on a timetable to adopt any correcting amendments made necessary by the USEPA concerns expressed in PC #1. For this reason, the Board requests expedited comments as requested above.

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 11th day of January, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board