

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1995

IN THE MATTER OF:)
) R95-6
RCRA SUBTITLE C UPDATE,) (Identical in Substance Rules)
USEPA REGULATIONS)
(7-1-94 THROUGH 12-31-94))

ORDER OF THE BOARD (by E. Dunham):

This matter is before the Board on the January 9, 1995 motion of the Illinois Environmental Regulatory Group (IERG), which seeks expedited Board consideration of certain federal amendments to the RCRA Subtitle C regulations. The motion states that on September 19, 1994, U.S. EPA amended the hazardous waste regulations by adopting the Phase II land disposal restrictions (Phase II LDRs), also called the universal treatment standards. The Phase II LDRs differ from the prior federal LDRs of 40 CFR 268, presently codified in the Illinois RCRA Subtitle C regulations as 35 Ill. Adm. Code 728. IERG asserts that the Phase II LDRs are inconsistent with the existing Illinois LDRs, and that the existence of the two sets of regulations has caused confusion and increased the burden of compliance for the regulated community. IERG requests prompt Board action, asserting that such action will correct the inconsistencies between the state and federal regulations and avoid future confusion and conflict. IERG states that the Agency concurs with this request to the best of IERG's knowledge.

Section 22.4(a) provides for quick adoption of regulations that are "identical in substance" to federal regulations adopted by U.S. EPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. §§ 6921-6925). Section 22.4(a) further provides that the Board may deal with multiple federal amendments that occurred in a single six-month period together in the same proceeding. Thus, it has been the Board's practice to deal with the federal RCRA Subtitle C amendments in two dockets each calendar year: one for the period January 1 through June 30, and the other for the period July 1 through December 31. To date, the Board is aware that U.S. EPA amended the federal hazardous waste regulations during the period July 1 through December 31, 1994 in the following actions:

July 28, 1994 (59 Fed. Reg. 38536)	Exclusion of certain in-process recycled petroleum refining secondary materials from the definition of solid waste.
Aug. 24, 1994 (59 Fed. Reg. 43496)	Conditional exemption of hazardous waste-derived products used in a manner constituting disposal from Subtitle C regulation.
Sep. 19, 1994 (59 Fed. Reg. 47980)	Corrections to land disposal restrictions.

Sep. 19, 1994 (59 Fed. Reg. 47982) Phase II land disposal restrictions (universal treatment standards).

Dec. 6, 1994 (59 Fed. Reg. 62896) Air pollution standards for HWM facilities.

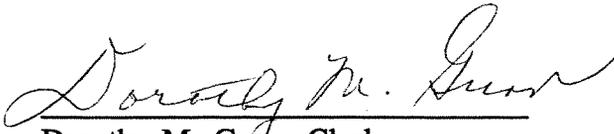
Generally, the Board would wait until we have received the List of Sections Affected for the Code of Federal Regulations for December, 1994 (usually received in mid- to late-February) before beginning to assemble a proposal for public comment based on the amendments, in order to assure that we have the complete list of federal actions for the proposal. The Board hereby grants the motion for expedited consideration to the extent we will immediately begin to assemble the proposal. We intend to consider the proposal for publication of Notices of Proposed Amendments in the Illinois Register at the meeting of the Board presently scheduled for February 16, 1995.

The IERG motion raises an additional issue on which the Board requests comment. U.S. EPA issued a series of technical amendments to the Phase II LDRs on January 3, 1995 (60 Fed. Reg. 242). These include corrections and clarifications of the Phase II LDRs. Although, technically, these amendments are part of the next RCRA Subtitle C update docket, for the period January 1 through June 30, 1995, the Board requests clarification as to whether IERG's request for expedited consideration embraces that action.

The Board hereby requests that IERG respond to the foregoing inquiry within two weeks of the date of this order, by January 25, 1995, to facilitate Board action on February 16. Any other person may also submit comments on this issue by January 25.

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 17th day of January, 1995, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board