

ILLINOIS POLLUTION CONTROL BOARD
November 3, 1994

IN THE MATTER OF:)
) R94-17
RCRA UPDATE, USEPA REGULATIONS) (Identical in Substance Rules)
(1-1-94 THROUGH 6-30-94))

Adopted Rule. Final Order.

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by E. Dunham):

The Board adopted an opinion and an order in this matter on October 20, 1994, incorporating amendments for the update period into the Illinois RCRA Subtitle D hazardous waste regulations. On October 25, staff of the Joint Committee on Administrative Rules (JCAR) contacted Board staff to indicate a slight oversight in the Board's order. JCAR staff pointed out that the Board had omitted a three word segment from the federal text.

We hereby add the segment of federal text missing from the adopted amendments to Section 721.104(e)(3)(A). The restored text is indicated by highlighting, as follows:

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

. . .

e) Treatability study samples.

. . .

3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) and (e)(2)(B) above and (f)(4) below, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of any non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste and ~~250 kg of soils, water or debris contaminated with acute hazardous waste,;~~

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the

type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

. . .

Another change in the October 20 order relates to an issue raised during the post-adoption comment period. Section 720.122(n)(3) states the Board's intent to routinely list all hazardous waste delistings in Table D of Section 721.Appendix I as they are granted. This was done as to the first hazardous waste delisting granted in early 1992. It was not done as to later-granted waste delistings. We correct that oversight now, even though these amendments were not earlier proposed. Section 721.Appendix I has no substantive impact, and it serves to inform the regulated community. The Board can see no reason to delay these amendments until the next update period.

The adopted amendments to Section 721.Appendix I Table D are as follows (in their entirety):

Section 721.Appendix I Wastes Excluded under Section 720.120
and 720.122

Table D Wastes Excluded by Adjusted Standard

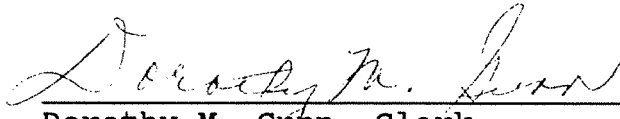
The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

- AS91-1 Petition of Keystone Steel and Wire Co. for Hazardous Waste Delisting, February 6, 1992, and modified at 133 PCB 189, April 23, 1992. (treated K061 waste)
- AS91-3 Petition of Peoria Disposal Co. for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, February 6 and March 11, 1993. (treated F006 waste)
- AS93-7 Petition of Keystone Steel & Wire Co. for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, February 17, 1994, as modified March 17, 1994. (treated K062 waste)

(Source: Amended at 18 Ill. Reg. _____, effective _____
_____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above supplemental opinion and order was adopted on the 3rd day of November, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board