

ILLINOIS POLLUTION CONTROL BOARD
June 8, 1989

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R89-1
(8-1-88 THROUGH 12-31-88))

SUPPLEMENTAL ORDER OF THE BOARD (by J. Anderson):

On May 25, 1989, the Board adopted a Proposed Opinion and Order in this matter. Because of its length, the printing of the final text of that Opinion and Order has not yet been completed. However, in the course of final editing, the Board has noted several additional issues upon which it specifically requests comment:

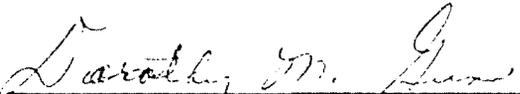
- 703.271(e) The equivalent of 40 CFR 270.41(a)(5) appears to be missing in the existing Board rules and has been inserted.
- 703.282(d) In this and several following provisions, the USEPA rule requires public meetings "in the vicinity" of the facility, or requires publication "in a major local newspaper". These have generally been edited to require the meeting or publication to be in the County in which the facility is located. This change is to be consistent with similar requirements in the Act, and similar edits which have been made in other portions of the RCRA rules.
- 724.247(j)(3) 40 CFR 264.147(j)(3) defines "full amount" as "the amount of coverage for sudden and/or nonsudden accidental occurrences." As is discussed in the Proposed Opinion, the Board has routinely edited "and/or" to the equivalent "or", in conformance with Code Unit requirements. However, it appears that "and/or" is an editorial error by USEPA, in that "or" results in an obviously incorrect rule. The Board has changed this to "and". It appears that the sentence which follows adequately addresses the possibility that an operator might wish to use separate instruments for the sudden and non-sudden coverage.
- 728.106(e) This and the following subsections include provisions concerning reporting and reopening petitions for adjusted standards to allow land disposal of banned wastes. There is an issue as to whether reports should go to the Agency or Board, and as to how these petitions should be reopened. The Board has generally edited these to require all reports to go to the Agency, and to allow, or require, the Agency or operator to reopen the adjusted standard by filing with the Board a motion for reconsideration or a new petition for adjusted standard.

This Order supplements the Board's Opinion and Order of May 25, 1989.

The Board will mail this Supplemental Order to persons on the mailing list at the same time the May 25 Opinion and Order are mailed out.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Supplemental Order was adopted on the 8th day of June, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board