

ILLINOIS POLLUTION CONTROL BOARD
March 5, 1987

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R86-28
(4-1-86 THROUGH 6-30-86))

FINAL ORDER. ADOPTED RULES.

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

On March 4, the United States Environmental Protection Agency (USEPA) made the following post adoption/prefiling comment (PC #8) in this matter:

The deletion of subparagraph (b)(4) from section 724.247 (page 106) and omission of the time frames set forth in 40 CFR 265.147 (b)(4) from section 725.247, does not allow the State to take enforcement action for noncompliance with RCRA's liability coverage requirements as of the dates set forth in the Federal regulations. Enforcement action could only be taken for noncompliance as of the date the rules become final. These provisions, therefore, should not be deleted from the rules.

In the interest of expediting this proceeding, on its own Motion the Board reconsiders and amends its Final Order of February 5, 1987 to include the language requested by the USEPA. However, the Board, in its R86-46 RCRA proceeding, will accept further public comment concerning this amendment.

ORDER

The Board's Order of February 5, 1987 in this matter is hereby amended to reinsert the following subsection:

Section 724.247 (b)


- 4) For existing facilities, the required liability coverage for nonsudden accidental occurrences must be demonstrated by the dates listed below. The total sales or revenues of the owner or operator in all lines of business, in the fiscal year proceeding the effective date of these regulations, will determine which of the dates applies. If the owner or operator of a facility are two different parties, or if there is more than one owner or operator, the sales or revenues of the owner or operator with the largest sales or revenues will

determine the date by which the coverage must be demonstrated. The dates are as follows:

- A) For an owner or operator with sales or revenues totalling \$10 million or more, January 15, 1983.
- B) For an owner or operator with sales or revenues greater than \$5 million but less than \$10 million, January 15, 1984.
- C) All other owners or operators, January 15, 1985.

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 5th day of March, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board