

ILLINOIS POLLUTION CONTROL BOARD  
October 15, 1987

IN THE MATTER OF: )  
 )  
RCRA UPDATE, USEPA REGULATIONS ) R87-5  
(10-1-86 THROUGH 12-31-86) )

FINAL ORDER. ADOPTED RULES.

OPINION OF THE BOARD (by J. Anderson):

By a separate Order, pursuant to Section 22.4(a) of the Environmental Protection Act (Act), the Board is amending the RCRA regulations.

On March 19, 1987 the Board opened this docket for the purpose of updating the RCRA regulations to agree with recent USEPA amendments. On May 14, 1987, the Board proposed amendments. On July 14, 1987, Chemical Waste Management filed a motion asking the Board to redraft the Proposal to include corrections to the November 7, 1987 Federal Register, which corrections appeared on June 4, 1987. On July 16, 1987, the Board granted the motion, withdrew the Proposed Opinion and Order of May 14 and substituted a modified Proposed Opinion and Order.

This matter was delayed from May 14 through July 16 by the need to finalize the text in R86-46 before the text of R87-5 could be finalized for publication in the Illinois Register.

Section 22.4 of the Act governs adoption of regulations establishing the RCRA program in Illinois. Section 22.4(a) provides for quick adoption of regulations which are "identical in substance" to federal regulations; Section 22.4(a) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR). The federal RCRA regulations are found at 40 CFR 260 through 270, and 280. This rulemaking updates Illinois' RCRA regulations to correspond with federal amendments during the period October 1 through December 31, 1986. The Federal Registers utilized are as follows:

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The Board appreciates the assistance of Morton Dorothy in drafting the Proposal and Opinion.

51 Fed. Reg. 35190	October 1, 1986
51 Fed. Reg. 37725	October 24, 1986
51 Fed. Reg. 40636	November 7, 1986
52 Fed. Reg. 21010	June 4, 1987 (Corrections)

During this period the Federal Register also included a large number of delistings. As provided by Section 720.122, the Board will not adopt site-specific delistings unless and until someone proposes that the Board adopt the delisting and demonstrates why the delisting is necessary in Illinois.

#### PUBLIC COMMENT

The Board proposed these regulations for public comment in its revised Opinion and Order of July 16, 1987. The proposal appeared on August 14, 1987, at 11 Ill. Reg. 13199. The Board received the following public comment:

PC #1                      United States Environmental Protection Agency,  
by Karl Bremer and Gary Westefer, September 4,  
1987.

The Board also received codification comments from the Administrative Code Unit.

#### HISTORY OF RCRA and UIC ADOPTION

The Illinois RCRA and UIC (Underground Injection Control) regulations, together with more stringent state regulations particularly applicable to hazardous waste, include the following:

702	RCRA and UIC Permit Programs
703	RCRA Permit Program
704	UIC Permit Program
705	Procedures for Permit Issuance
709	Wastestream Authorizations
720	General
721	Identification and Listing
722	Generator Standards
723	Transporter Standards
724	Final TSD Standards
725	Interim Status TSD Standards
726	Specific Wastes and Management Facilities
728	USEPA Land Disposal Restrictions
729	Landfills: Prohibited Wastes
730	UIC Operating Requirements
731	Underground Storage Tanks

Special procedures for RCRA cases are included in Parts 102, 103, 104 and 106.

Adoption of these regulations has proceeded in several stages. The Phase I RCRA regulations were adopted and amended as

follows:

R81-22 45 PCB 317, February 4, 1982, 6 Ill. Reg. 4828,  
April 23, 1982.

R82-18 51 PCB 31, January 13, 1983, 7 Ill. Reg. 2518,  
March 4, 1983.

Illinois received Phase I interim authorization on May 17,  
1982 (47 Fed. Reg. 21043).

The UIC regulations were adopted as follows:

R81-32 47 PCB 93, May 13, 1982; October 15, 1982, 6 Ill.  
Reg. 12479.

The UIC regulations were amended in R82-18, which is  
referenced above. The UIC regulations were also amended in R83-  
39:

R83-39 55 PCB 319, December 15, 1983; 7 Ill. Reg. 17338,  
December 20, 1983.

Illinois received UIC authorization February 1, 1984. The  
Board has updated the UIC regulations:

R85-23 June 19, 1986; 10 Ill. Reg. 13274, August 8, 1986.

R86-27 Dismissed April 16, 1987 (No USEPA amendments  
through 12/31/86).

R87-29 Proposed September 17, 1987 (1/1/87 through  
6/30/87)

The Phase II RCRA regulations included adoption of Parts 703  
and 724, which established the permit program and final TSD  
standards. The Phase II regulations were adopted and amended as  
follows:

R82-19 53 PCB 131, July 26, 1983, 7 Ill. Reg. 13999,  
October 28, 1983.

R83-24 55 PCB 31, December 15, 1983, 8 Ill. Reg. 200,  
January 6, 1984.

On September 6, 1984, the Third District Appellate Court  
upheld the Board's actions in adopting R82-19 and R83-24.  
(Commonwealth Edison et al. v. IPCE, 127 Ill. App. 3d 446; 468 NE  
2d 1339 (Third Dist. 1984).)

The Board updated the RCRA regulations to correspond with  
USEPA amendments in several dockets. The period of the USEPA  
regulations covered by the update is indicated in parentheses:

- R84-9 64 PCB 427, June 13, 1985; 9 Ill. Reg. 11964, effective July 24, 1985. (through 4/24/84)
- R85-22 67 PCB 175, 479, December 20, 1985 and January 9, 1986; 10 Ill. Reg. 968, effective January 2, 1986. (4/25/84 -- 6/30/85)
- R86-1 July 11, 1986; 10 Ill. Reg. 13998, August 22, 1986. (7/1/85 -- 1/31/86)
- R86-19 October 23, 1986; 10 Ill. Reg. 20630, December 12, 1986. (2/1/86 -- 3/31/86)
- R86-28 February 5 and March 5, 1987; 11 Ill. Reg. 6017, April 3, 1987. Correction April 16, 1987; 11 Ill. Reg. 8684, May 1, 1987. (4/1/86 -- 6/30/86)
- R86-46 July 16, 1987; August 14, 1987; 11 Ill. Reg. 13435. (7/1/86 -- 9/30/86)
- R87-5 This Docket. (10/1/86 -- 12/31/86)
- R87-26 September 4, 1987 (1/1/87 through 6/30/87)
- R87-32 Correction to R86-1; September 4, 1987.

Illinois received final authorization for the RCRA program effective January 31, 1986.

The Board added to the federal listings of hazardous waste by listing dioxins pursuant to Section 22.4(d) of the Act:

- R84-34 61 PCB 247, November 21, 1984; 8 Ill. Reg. 24562, effective December 11, 1984.

This was effectively repealed by R85-22, which included adoption of USEPA's dioxin listings. The Board has adopted a USEPA delisting at the request of Amoco:

- R85-2 April 24, 1986; 10 Ill. Reg. 8112, effective May 2, 1986.

The Board has procedures to be followed in cases before it involving the RCRA regulations:

- R84-10 62 PCB 87, 349, December 20, 1984 and January 10, 1985; 9 Ill. Reg. 1383, effective January 16, 1985.

The Board also adopted in Part 106 special procedures to be followed in certain determinations. Part 106 was adopted in R85-22 and amended in R86-46, listed above.

The Board has also adopted requirements limiting and

restricting the landfilling of liquid hazardous waste, hazardous wastes containing halogenated compounds and hazardous wastes generally:

- R81-25      60 PCB 381, October 25, 1984; 8 Ill. Reg. 24124, December 4, 1984;
- R83-28      February 26, 1986; 10 Ill. Reg. 4875, effective March 7, 1986.
- R86-9        Emergency regulations adopted October 23, 1986; 10 Ill. Reg. 19787, effective November 5, 1986.

The Board's action in adopting emergency regulations in R86-9 was reversed (CBE and IEPA v. IPCB et al., First District, January 26, 1987).

#### DETAILED DISCUSSION

The USEPA amendments involved in this update are summarized as follows:

<u>51 FR</u>	<u>1986</u>	
35190	October 1	Waste minimization certification
37725	October 24	Listing of ethylenebisdithiocarbamic acid
40636	November 7	Land disposal restrictions

Almost all of the amendments result from the November 7 land disposal restrictions, and from the June 4, 1987 corrections noted above. Section 721.132 and two appendices are amended as a result of the October 24 listings. The waste minimization certification affects only the manifest form, which the Agency prepares consistent with the federal form.

#### Section 702.187

This Section is drawn from 40 CFR 270.42(o), which was added at 51 Fed. Reg. 40636. The amendments add a new type of "minor modification" of a RCRA permit which the Agency can grant without following the full Part 705 procedures. The Agency can so modify a permit to allow treatment of restricted wastes in accordance with Part 728 treatment standards or an adjusted standard approved by the Board. However, the minor modification route cannot be used to approve changes in processes or physical equipment.

Incorrect references in the USEPA rule to 40 CFR 268 have been corrected. In addition, 40 CFR 270.42(o)(4) has been reworded for clarity.

#### Section 703.183

This Section is drawn from 40 CFR 270.14(b)(21), which was added at 51 Fed. Reg. 40636. The applicant has to include copies of any extensions or adjusted standards from Part 728 with the permit application.

#### Section 703.241

This Section is drawn from 40 CFR 270.32(b)(1), which was amended at 51 Fed. Reg. 40636 to add references to Part 268.

#### Section 720.101 through 721.130

Several Sections have been amended to add references to new Part 728. These are drawn from 51 Fed. Reg. 40636.

40 CFR 260.1(b)(1) and (b)(4) have no counterparts in Section 720.101. The references at 51 Fed. Reg. 40636 to 40 CFR 261.7(a)(1)(ii) and (a)(2)(ii) appear to be incorrect. The Board has interpreted these as the equivalents of Section 721.107(a)(1) and (2).

#### Section 720.104

The Board has modified Section 721.104(a)(2) to reference the Illinois NPDES permit program, rather than the equivalent federal program under the Clean Water Act.

#### Section 721.111

The Board has added this Section to the proposal to incorporate by reference the USEPA Quality Assurance document referenced in Section 728.106, discussed below.

#### Section 721.132

This Section is drawn from 40 CFR 261.32, which was amended at 51 Fed. Reg. 37725, to add listings K123 through K126. These are related to production of ethylenebisdithiocarbamic acid, a pesticide precursor.

#### Section 721, Appendices C and G

The incorporation by reference of the test methods has been updated to include testing for ethylenebisdithiocarbamic acid. The basis for listings K123 through K126 has been identified as the presence of ethylene thiourea.

#### Section 722.111

This, and all the following Sections, are drawn from 40 CFR 262.11(d), which was added at 51 Fed. Reg. 40636 to reference new 40 CFR 268. This has been reworded for clarity.

#### Section 722, Appendix A

40 CFR 262, Appendix is the uniform hazardous waste manifest form. In Illinois, as provided by Section 722.120, the Agency prepares manifest forms based on the USEPA form. The Agency will include the generator certification of waste minimization in the form consistent with the federal form.

The Board repealed this Appendix in R84-9 when it modified Section 722.120 to require the use of Agency forms. The Board has decided that this would be clearer if the regulations included an incorporation by reference of the USEPA form with a specific directive to the Agency to prepare the forms. The Board has therefore so provided in this Appendix.

#### Section 723.112

This Section has been amended to include references to Part 728.

#### Section 724.101

This Section was amended with the June 4, 1987 corrections. Subsection (h) makes it clear that the facility standards apply to people managing waste regulated under Part 728.

#### Section 724.113

Sections 724.113(a)(1) and (b)(6) have been amended to include references to new Part 728. This Section was amended with the June 4, 1987 corrections. Section 724.113(b)(7) has been added to include analyses required by Section 728.104 for lagoons exempt from land disposal restrictions. 40 CFR 264.13(a)(1) includes an apparent typographical error which the Board has corrected: "... this part of Part 268..." has been interpreted as "this Part or 35 Ill. Adm. Code 728."

#### Section 724.173

Section 724.173(b)(10) through (14) have been added. These require that various notices required under Part 728 be placed in the TSD facility's operating record. This Section was amended with the June 4, 1987 corrections. The amendments correct minor typographical errors.

40 CFR 264.73, and 265.73, contain what appears to be a consistent error. They make repeated reference to "the notice required by the generator" under various provisions of 40 CFR 268. However, these provisions require that the generator prepare a notice to send with the waste to the TSD facility. Accordingly, the Board has rendered these as "the notice required of the generator."

#### Section 725.101

This Section was amended with the June 4, 1987 corrections. Subsection (e) makes it clear that the interim status standards apply to people managing wastes regulated under new Part 728.

#### Section 725.113

This is the same as Section 724.113, only it applies to interim status facilities.

#### Section 725.173

This is the same as Section 724.173. The added Sections are numbered (b)(8) through (12).

#### Section 728.101

The following Sections are drawn from 40 CFR 268. They were added at 51 Fed. Reg. 40636, November 7, 1986. This is USEPA's land disposal ban.

This Section was amended with the June 4, 1987 corrections. The amendments correct minor typographical errors. The amendments correct grammar in the sequential listings. The amendments to subsection (c)(4) add an exemption for persons generating less than one kilogram of acute hazardous waste per month.

40 CFR 268, Subpart B was adopted by USEPA at 51 Fed. Reg. 19305, May 28, 1986. Subpart B is the schedule USEPA intends to follow in promulgating its land disposal bans. The Board declined to adopt the schedule in R86-28.

Section 728.101 defines the purpose, scope and applicability of the USEPA land disposal bans. Subsection (d)(3) exempts CERCLA and RCRA corrective action wastes until November, 1988. The Board has defined "CERCLA" and "RCRA corrective action" below.

The Board has land disposal restrictions which were adopted in R81-25 and in R83-28. 35 Ill. Adm. Code 709, and Sections 22.6 and 39(h) of the Act, require wastestream authorizations, while 35 Ill. Adm. Code 729 includes standards under which halogenated solvents and liquids can be disposed. The Board has added subsection (d) to state the relationship to Parts 709 and 729. Parts 728 and 729 are cumulative: a waste must meet the requirements of both Parts before the Agency can issue a wastestream authorization.

#### Section 728.102

This Section includes specialized definitions. The Board has added definitions of "Agency," "Board," "CERCLA" and "USEPA," abbreviated names which are used in the text.

This Section was amended with the June 4, 1987 corrections. The exclusions have been removed from the definition of "land disposal."

The Board has also defined "RCRA corrective action," a term which is used in Section 728.101(c)(3) and in other places in reference to the temporary exemption for clean-up waste. The definition references the Board's corrective action provisions in 35 Ill. Adm. Code 724 and 725 and the comparable USEPA rules. In addition, the definition includes wastes produced under RCRA corrective action pursuant to authorized RCRA programs in other States.

#### Section 728.103

This Section prohibits dilution as a substitute for treatment.

#### Section 728.104

This Section exempts treatment in surface impoundments from the land disposal ban. The operator has to demonstrate that treatment occurs in the lagoon, and has to analyze both the supernatant and sludge to show that they meet any treatment standards.

This Section was amended with the June 4, 1987 corrections. The amendments correct minor typographical errors. The amendments correct grammar in the sequential listings. The introductory language is now worded to say that treatment is allowed in impoundments, rather than to exclude the treatment from the Part.

The lagoon exemption applies only to surface impoundments which have double liners, or which are exempted under one of three other provisions (Section 728.104(c)(1) - (3)). The first is one of the exemptions from the double liner requirement for new impoundments found in Sections 724.321 or 725.321. The second is for an non-leaking, lined lagoon with groundwater monitoring which is located more than a quarter mile from an "underground source of drinking water." The third requires a demonstration of "no migration of any hazardous constituent into groundwater or surface water at any future time."

These exemptions raise questions as to whether Board or Agency action is required. With respect to the first, the determination will be made as provided in Part 724 or 725. Some of these are to be made by the Board, and others by the Agency. The Board has not disturbed these provisions, which were last amended in R86-1.

With respect to the second, the Board has provided that the determination is to be made by the Agency by way of permit action (Section 728.104(c)(2)). The regulation includes standards which

the Agency can apply in the context of permit issuance, subject to review by the Board. Interim status facilities will have to make a Part B application to obtain this exemption.

The third exemption is the demonstration of no migration at any future time. This is similar to Section 724.321(e)(2)(B), with respect to lagoons in general, which is to be made by the Board. The Board will make this determination also.

The similarity of Section 724.321(e)(2)(B) to Section 728.104(c)(3) raises a possible question of interpretation, which the Board posed in the Proposed Opinion. The former demonstration, which would be made to the Board in a site-specific rulemaking, would allow construction of an unlined monofill surface impoundment. The latter, which would be made through an adjusted standard, would allow placement of specific wastes in any impoundment. An alternative interpretation is that these provisions are intended to be linked, so that the Section 728.104(c)(3) adjusted standard would be available only to the monofills exempted under Section 724.321(e)(2)(B). USEPA confirmed in its comment that the former interpretation is correct, that the provisions are not linked.

The June 4 corrections to Sections 728.104(c)(2) and (c)(3) add a requirement of notice and comment before USEPA acts on these waivers and adjusted standards. The Board approach of placing these decisions within the permit issuance and adjusted standards procedures accomplishes the same result.

Section 728.104 has a number of editorial problems. First, 40 CFR 268.4 has a subsection (a), but no subsection (b). This is not allowed under Illinois codification rules, and has not been corrected. It is necessary to promote each level of subdivision in forming the Illinois regulation, so that 40 CFR 268.4(a)(1) corresponds with 35 Ill. Adm. Code 728.104(a). This violates the simple correspondence rule which exists within virtually all of Parts 720 - 726, and complicates cross referencing this Section.

Second, the introductory language of 40 CFR 268.4(a)(3) seems to be missing an essential verb. This is amended with the corrections, but not fixed. The Board has added "is" to make it clear that a condition is that the impoundment "is in compliance with applicable groundwater monitoring requirements." The USEPA rule seems to say: "regardless that the unit may not ... be in compliance with applicable groundwater monitoring requirements," an unlikely, but grammatically correct, interpretation.

Third, the introductory language also repeats a reference to 40 CFR 264, where 265 is probably intended the second time. Fourth, 40 CFR 268.4(c)(1) needs a verb which the Board has supplied.

Section 728.105

Rather than adopt an equivalent to the text of 40 CFR 268.5, the Board has referenced the USEPA procedure for extensions of the effective date, and provided that any extensions granted by USEPA will be deemed extensions of any dates specified by Board regulation. This appears to be what USEPA intended in the discussion at 51 Fed. Reg. 40618. (PC 1)

The Board has concluded that USEPA intended that the States not adopt the procedures of 40 CFR 268.5 which allow extensions of compliance dates. USEPA is specific as to the need for national uniformity on extensions. The Board concludes that USEPA intended to preempt the States should they adopt a date which is subsequently extended. The Board has therefore provided that USEPA extensions will automatically preempt any derivative Board regulation. The Board will adopt the extension when it updates the regulations in the ordinary course of events. However, the extension will have already become automatically effective.

This Section was amended with the June 4, 1987 corrections. The Board has included the amendments in the incorporation by reference.

#### Section 728.106

This Section allows a site-specific exemption from the land disposal bans of Subpart C on a demonstration of "no migration of hazardous constituents ... for as long as the wastes remain hazardous." This is similar to the demonstration of Section 724.321(b), which must be made to the Board. The Board will utilize the adjusted standards procedures of Part 106, adopted in R86-46, as the mechanism for making this decision. This exemption will be dealt with as an adjustment of the treatment standard set in Subpart C.

40 CFR 268.6(b)(2) and (4) require USEPA to approve sampling and quality assurance plans for demonstrations. There are two ways to interpret these. USEPA has confirmed that this means that the sampling and quality assurance plans have to meet USEPA rules and guidance documents for the exemption to be granted. However, USEPA does not formally approve the specific plans prior to submission of the petition. (PC #1) The Board has therefore modified the proposal to so state.

USEPA has indicated that it reviews QA/QC plans with respect to two guidance documents: "Test Methods for Evaluating Solid Waste," which is already incorporated by reference in Section 720.111, and "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," EPA/530-SW-87-011, which the Board will add to the incorporations by reference list.

This exemption could be compared to the "economically reasonable and technically feasible" ("ERTF") demonstration to the Agency under the liquids and general hazardous waste bans in

Illinois. The "no migration" standard of the USEPA rule does not fit into the ERTF showing; rather, they are independent exemptions. Note that under Section 728.101 the "no migration" exemption would apply only to the USEPA bans, and the ERTF showing would apply only to the Illinois Part 729 and statutory bans.

This Section was amended with the June 4, 1987 corrections. The amendments correct minor typographical errors.

#### Section 728.107

The generator has to determine whether a waste is restricted. If he determines that he is managing a restricted waste, he has to attach various certifications to the manifest before shipping.

This Section was amended with the June 4, 1987 corrections. The Board has corrected an additional typographical error noted by USEPA. (PC #1)

#### Section 728.130

Subpart C contains the USEPA prohibitions on land disposal. Section 728.130 is the prohibition of solvent wastes. This is comparable to the 35 Ill. Adm. Code 729 regulations on halogenated solvents which were adopted by the Board in R81-25.

40 CFR 268.30(b) contains an apparent typographical error which the Board has corrected. The USEPA rule includes a temporary rule which appears to apply only if three conditions are met. "Cr" is probably intended, since some of the conditions are mutually exclusive.

This Section was amended with the June 4, 1987 corrections. The amendments correct grammar in the sequential listings.

#### Section 728.131

This is USEPA's restriction on land disposal of dioxin containing wastes. This Section was amended with the June 4, 1987 corrections. The amendments correct grammar in the sequential listings. The amendments add F022 to the list of wastes.

#### Section 728.140

Subpart D includes treatment standards. Residuals from the treatment of restricted wastes can be land disposed if they meet a treatment standard. Treatment standards are either expressed as a concentration of constituents in the waste extract, or by

specification of a treatment method.

This Section was amended with the June 4, 1987 corrections. The amendment distinguishes wastes and treatment residuals.

#### Section 728.141

40 CFR 268, Appendix I specifies an extraction procedure for treatment residuals. A residual from treatment of a restricted waste may be land disposed if its extract meets these standards. The constituents for which standards are included are solvents and dioxin-related compounds.

It would be difficult to place the USEPA table in the Board regulation and comply with codification requirements. The Board has therefore made the table a "Table," a type of Appendix, which will be referenced in the regulation.

#### Section 728.142

This Section will specify certain treatment technologies, the residuals of which can be land disposed. No technologies are presently specified.

Subsection (b) allows the Agency to approve alternative treatment technologies if they "achieve a level of performance equivalent to that achieved by methods specified." This appears to be an objective standard which the Agency can apply in the context of permit issuance, subject to review by the Board.

#### Section 728.144

40 CFR 268.44 provides for "variances" from treatment standards where the petitioner demonstrates that "because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods." This differs from Section 728.142(b) in that the former is available even if the operator can use the specified treatment, while the latter does not require treatment to the specified level.

The Board's variance procedures are not appropriate for this determination. Board variances require a showing of individual hardship as well as a compliance plan, and grant only temporary relief. The Board has deleted the word "variance" to avoid confusion with the 35 Ill. Adm. Code 104 variance procedures.

This procedure is adjustment of an environmental control standard set by Board regulation. The Board will utilize the Part 106 adjusted standards procedures adopted in R86-46 to grant these "variances."

This Section was amended with the June 4, 1987 corrections. The certification of Section 728.144(c) has been added.

Section 728.150

This Section prohibits storage of restricted wastes except incident to transportation or for accumulation of sufficient quantities as necessary to facilitate proper recovery, treatment or disposal. There is a presumption that storage for over one year is not necessary.

This Section was amended with the June 4, 1987 corrections. Storage has to be in tanks and containers, which are dealt with separately. The amendments correct grammar in the sequential listings.

Table A

This is the table of maximum concentrations of solvents and dioxins in the waste extract. Because of possible codification problems, it has been removed from Section 728.141 and made a separate table.

This Section was amended with the June 4, 1987 corrections. The amendments correct minor typographical errors.

Appendices

The Board will incorporate the Appendices by reference instead of setting them out in full. Appendix A references the method for testing the waste extract. Appendix B references the treatment methods used to achieve the treatment standards. The Board has included the June 4, 1987 corrections in the incorporation by reference.

This Opinion supports the Board's Order of this same day.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion was adopted on the 15<sup>th</sup> day of October, 1987, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board