

ILLINOIS POLLUTION CONTROL BOARD

August 11, 2022

IN THE MATTER OF:)
)
RCRA SUBTITLE D UPDATE, USEPA) R23-3
REGULATIONS (January 1, 2022, through) (Identical-in-Substance Rulemaking -
June 30, 2022)) Water)

Proposed Rule. Dismissal Order.

ORDER OF THE BOARD (by J. Van Wie):

Section 22.40(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.40(a) (2020)) requires the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA) to implement Subtitle D of the Resource Conservation and Recovery Act of 1976 (42 U.S.C §§ 6941-6949 (2020); RCRA Subtitle D) relating to municipal solid waste landfills (MSWLFs). 415 ILCS 5/7.2 (2020). USEPA has codified the federal MSWLF rules as 40 C.F.R. 258.

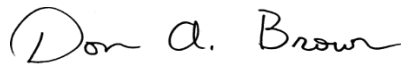
The Board reserved this docket for USEPA amendments during the period between January 1, 2022, through June 30, 2022. During that period, USEPA did not act regarding its MSWLF regulations in any way that would require Board action.

The Board observes that the Illinois landfill rules incorporate 40 C.F.R. § 141.40 (the Unregulated Contaminants Monitoring Rule (UMCR)) by reference, and USEPA revised the UMCR on January 25, 2022. That incorporation by reference derived by general rulemaking, and there is no indication that continued reliance on the now-outdated version of the UMCR would affect implementation of the Illinois RCRA Subtitle D program.

No Board rulemaking action is necessary, and the Board dismisses this docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 11, 2022, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board