

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 22 2005

IN THE MATTER OF:)
)
RCRA SUBTITLE C UPDATE, USEPA)
AMENDMENTS (January 1, 2004, through)
June 30, 2004))

R05-2
(Identical-in-Substance
Rulemaking - Land)

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

PC#1

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Matthew J. Dunn, Chief
Environmental Bureau
Office of the Attorney General
James R. Thompson Center
100 W. Randolph, 12th Floor
Chicago, Illinois 60601

Chief Legal Counsel
Department of Natural Resources
524 South Second Street
Springfield, Illinois 62701-1787

Michael J. McCambridge, Hearing O
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of
the Illinois Pollution Control Board the Illinois Environmental Protection Agency's
Appearance and Comments, for the above-captioned proceeding, a copy of each of which
is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

Lindsay R. Evans
Lindsay R. Evans
Assistant Counsel
Division of Legal Counsel

Date: 02-17-05
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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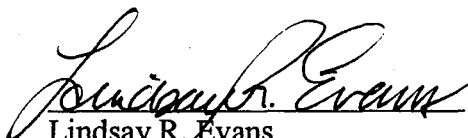
STATE OF ILLINOIS
Pollution Control Board

APPEARANCE

The undersigned hereby enters her appearance as attorney on behalf of the Illinois
Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



Lindsay R. Evans
Assistant Counsel
Division of Legal Counsel

Dated: 02-17-05
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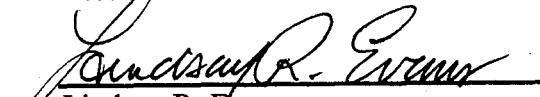
**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S COMMENTS ON
PROPOSED RCRA SUBTITLE C UPDATE, USEPA AMENDMENTS**

The Illinois Environmental Protection Agency ("Agency") submits the following comments on the amendments proposed by the Illinois Pollution Control Board ("Board") in its opinion and order dated December 16, 2004, in the above-captioned matter.

The Board proposed an amendment to 35 Ill. Adm. Code 725.111 that adds a "Board note". The Board note reads, in part: "The federal instructions required that an owner or operator *file notice* for an Illinois facility *file that notice* with the Agency, Bureau of Land (telephone: 217-782-6762)" (emphasis added). The note contains two redundant phrases: "file notice" and "file that notice". According, the Agency requests that the Board eliminate the second phrase, "file that notice", from the note. It would then read, in part: "The federal instructions required that an owner or operator file notice for an Illinois facility with the Agency, Bureau of Land (telephone: 217-782-6762)".

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY


Lindsay R. Evans

STATE OF ILLINOIS)
COUNTY OF SANGAMON)
)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Appearance and Comments upon the persons to whom they are directed by placing copies in envelopes addressed to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Matthew J. Dunn, Chief
Environmental Bureau
Office of the Attorney General
James R. Thompson Center
100 W. Randolph, 12th Floor
Chicago, Illinois 60601

Chief Legal Counsel
Department of Natural Resources
524 South Second Street
Springfield, Illinois 62701-1787

Michael J. McCambridge, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601-3218

and mailing them from Springfield, Illinois on February 17, 2005, with sufficient postage affixed as indicated above.

Matthew Kelly

SUBSCRIBED AND SWORN TO BEFORE ME
this 17th day of February 17, 2005.

Brenda Boehner
Notary Public

