

ILLINOIS POLLUTION CONTROL BOARD
March 19, 1987

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R86-46
(7-1-86 THROUGH 9-30-86))

PROPOSAL FOR PUBLIC COMMENT.

PROPOSED 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 proposing to amend the RCRA regulations. In accordance with the RCRA procedural rules (Section 102.202), the Board invites public comment for 45 days after publication of the proposal in the Illinois Register.

On October 9, 1986, the Board opened this docket for the purpose of updating the RCRA rules to agree with recent USEPA amendments.

Section 22.4(a) 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. Neither Title VII of the Act nor Section 5 of the Administrative Procedure Act applies to rules adopted under Section 22.4(a). Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, it is not subject to 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 rules to correspond with federal amendments during the period July 1 through September 30, 1986. The Federal Registers utilized are as follows:

51 Fed Reg. 25350	July 11, 1986
51 Fed Reg. 25422	July 14, 1986
51 Fed Reg. 28295	August 6, 1986
51 Fed Reg. 28556	August 8, 1986
51 Fed Reg. 28663	August 8, 1986
51 Fed Reg. 29429	August 15, 1986
51 Fed Reg. 33612	September 22, 1986

HISTORY OF RCRA and UIC ADOPTION

The Illinois RCRA and UIC (Underground Injection Control) rules, together with more stringent state rules 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
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 rules has proceeded in several stages. The Phase I RCRA rules 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 rules were adopted as follows:

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

The UIC rules were amended in R82-18, which is referenced above. The UIC rules 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 recently updated the UIC rules:

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

The Phase II RCRA rules included adoption of Parts 703 and 724, which established the permit program and final TSD standards. The Phase II rules 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. IPCB, 127 Ill. App. 3d 446; 468 NE 2d 1339 (Third Dist. 1984).)

The Board updated the RCRA rules to correspond with USEPA amendments in several dockets:

R84-9 64 PCB 427, June 13, 1985; 9 Ill. Reg. 11964,
effective July 24, 1985.

R85-22 December 20, 1985 and January 9, 1986; 10 Ill. Reg. 968,
effective January 2, 1986.

R86-1 July 11, 1986; 10 Ill. Reg. 13998, August 22,
1986.

R86-19 October 23, 1986; 10 Ill. Reg. 20630, December 12,
1986.

R86-28 February 5 and March 5, 1987.

R86-46 This Docket.

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 procedures to be followed in cases before it involving the RCRA rules:

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, which is 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 rules adopted October 23, 1986; 10 Ill. Reg. 19787, effective November 5, 1986.

The Board's action in adopting emergency rules 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>	
25350	July 11	Liability insurance
25422	July 14	Tank systems
28295	August 6	Corrections to listings
28556	August 8	Corrections to biennial reporting requirement
28663	August 8	Exports of hazardous waste
29429	August 15	Corrections to tank systems rules
33612	September 22	Correction to listing of spent pickle liquor

Most of the amendments are drawn from the July 14 tank systems rules. The second largest set are drawn from the August 8 requirements concerning exports of hazardous waste to other countries. The July 11 rules add a corporate guarantee mechanism as an alternative to liability insurance.

Section 703.155

This Section is drawn from 40 CFR 270.72, which was amended at 51 Fed. Reg. 25471. Operators of interim status facilities are allowed, without filing a permit application, to modify tank systems to meet the new requirements discussed below in connection with Section 725.293.

Section 703.183

This Section is drawn from 40 CFR 270.14, which was amended at 51 Fed. Reg. 25471. The amendments modify the contents of the general Part B application to request information related to the new requirements for tank systems.

Section 703.202

This Section is drawn from 40 CFR 270.16, which was amended at 51 Fed. Reg. 25471. The portion of the application relating

specifically to tank systems has been largely replaced. Section 703.202(h) deals with alternative design and operating practices for tank systems. As is discussed below, the Board will grant alternatives pursuant to a petition for adjusted standards. Section 703.202(h)(3) has been added to require the permit applicant to include a copy of the Board Order granting an adjusted standard, or a copy of the petition if the matter is still pending.

Section 720.102 (Not amended)

This Section deals with confidentiality. USEPA amended its confidentiality rule, 40 CFR 260.2, at 51 Fed. Reg. 28682, to add specific provisions regarding confidentiality of information supplied to the State Department regarding exports of hazardous waste. The Board has not proposed an equivalent for two reasons. First, exports will be primarily administered by USEPA, as is discussed in connection with Section 722.150. Second, to the extent the Agency may become involved in this, confidentiality must be handled pursuant to 35 Ill. Adm. Code 120, as is already provided in Section 720.102.

Section 720.110

This Section is drawn from 40 CFR 260.10, which was amended at 51 Fed. Reg. 25471. The amendments add definitions related to tank systems. The following definitions have been added: Aboveground tank, ancillary equipment, component, corrosion expert, existing tank system, inground tank, installation inspector, leak-detection system, new tank system, onground tank, sump, tank system, underground tank, unfit-for-use tank system and zone of engineering control.

Section 720.111

This Section incorporates by reference materials used in Parts 720 through 725. It has no close counterpart in the CFR. The Board has proposed to amend this Section by adding references to several items used in the new requirements for tank systems.

The Administrative Procedure Act (APA) requires that the Board limit incorporations by reference to materials readily available to the public, that it provide sufficient information for the public to find the documents and that it not incorporate future amendments or editions. The Board has proposed to comply with the APA requirements.

The Board has consolidated the incorporations into a single Section, which is referenced when the incorporations are used in the other rules. The Board has to include with incorporations more information than USEPA. It is more efficient to provide this one time, rather than repeating it throughout the rules.

Most of the incorporations are standards set by industry or standards organizations. The standards are known by the initials of the organization, such as ANSI, API and ASTM. The Board has proposed to rearrange this Section into an alphabetical list of organizations by initials. This allows the Board to shorten the Section since it is not necessary to repeat the full names and addresses of the organizations, some of which have several standards used. The Board solicits comment on the organization of this Section, and on the additional information which has been added to the incorporations.

The Board has added the statement, now required by the APA, that the incorporations include no future editions or amendments. The Board has proposed to delete the availability statements concerning the Federal Register Office and the Illinois State Library. USEPA has not indicated whether the newly incorporated material has in fact been deposited in the Federal Register Office. Since these statements are not necessary, the Board has proposed to delete them.

Section 721.104

This Section is drawn from 40 CFR 261.4, which was amended at 51 Fed. Reg. 25471. The amendment to Section 721.104(a)(8) adds an exclusion for secondary materials that are reclaimed and returned to the original production process where storage occurs in a closed tank system.

Section 721.105

This Section is drawn from 40 CFR 261.5, which was amended at 51 Fed. Reg. 28682. Small quantity generators will no longer be conditionally exempt if they export hazardous waste to other countries.

Section 721.106

This Section is drawn from 40 CFR 721.6, which was amended at 51 Fed. Reg. 28682. The exclusion for reclaimed ethanol under Section 721.106(a)(3)(A) may be subject to the new provisions regarding exports of hazardous waste.

Section 721.132

This Section is drawn from 40 CFR 261.32, which was amended at 51 Fed. Reg. 33612. This again modifies the definition of K062, spent pickle liquor. This listing is now defined in terms of waste from facilities within SIC Codes 331 and 332. The Board has added a reference to the definition of "SIC Code" which was added to Section 720.110 in a prior rulemaking. The definition in turn refers to Section 720.111, which includes full information required under the APA. The Board solicits comment as to whether the edition cited is the same edition currently used by USEPA.

Section 721.133 and Appendix H

These are drawn from 40 CFR 261.33 and Appendix VIII which were amended at 51 Fed. Reg. 28298. USEPA has proposed to correct several listings, and to add Chemical Abstracts reference numbers to the listings.

The USEPA publication is supposed to make no substantive changes. It includes a table which purports to list the changes to the listings, and also the listings as modified. However, on careful examination, not all of the changes in the table have actually been made to the listings as published. Furthermore, the changes indicated in the table comprise only about 5% of the changes which have actually been made. The Board will not discuss the problems with the listings in detail in this Proposed Opinion, but will make additional background material concerning the listings available to commenters who request it.

Section 722.134

This Section is drawn from 40 CFR 262.34, which was amended at 51 Fed. Reg. 25471. This modifies the accumulation times for generators using tank systems.

The Board notes that this Section includes, without amendment, the provisions relating to extension of accumulation times, which were commented on in R86-19 and R86-28. The Board welcomes additional comment on these provisions.

Section 722.141

This Section is drawn from 40 CFR 262.41, which was amended at 51 Fed. Reg. 28682. The Board rule differs from the USEPA rule in that the Board declined to adopt the USEPA biennial report requirement, but instead retained the annual report. The present amendments exempt exported waste from the report requirement. Exports are reported instead under Section 722.156.

Section 722.150 et seq.

USEPA modified the requirements concerning exports, and imports, of hazardous waste at 51 Fed. Reg. 28682. An exporter has to notify USEPA 60 days prior to shipment. USEPA notifies the receiving country through the State Department. If the country consents to accept the waste, the U.S. Embassy cables an "Acknowledgement of Consent" to USEPA. The exporter has to attach the Acknowledgement to the manifest or shipping paper. A copy of the manifest must be given to U.S. Customs at the point of departure from the United States.

The Board has proposed to adopt these rules, although USEPA would be the administering agency rather than the Agency. The Board solicits comment as to whether it would be sufficient to

simply provide that exporters have to comply with the USEPA rules.

Section 722.150(d) and (e), which concern imports, have been moved to Subpart F, Section 722.160. Section 722.151, which concerns farmers, has been moved to Subpart G, Section 722.170.

Section 723.120

The rules governing manifests for transporters have been amended to reflect the new rules on exports of hazardous waste.

Section 724.115

Section 724.115(b)(4) has been amended to reference the inspection schedule rules for tank systems, which are discussed below. 51 Fed. Reg. 25471 contains an error which has been corrected. "Malfunction of any operator error" has been changed to "Malfunction or any operator error."

Section 724.173

Section 724.173(b)(6) has been amended to reference testing as required under the tank systems rules. 51 Fed. Reg. 25471 contains an error which has been corrected. USEPA has also added a reference to the groundwater protection rules of Subpart F, so that the operating record must now include analytical data where required by "Subpart F and Sections 724.291..." This has been corrected to "Subpart F or Sections 724.291..."

Section 724.175

40 CFR 264.75 was amended at 51 Fed. Reg. 28556. Section 724.175(h) and (i) have been added to require generators which treat, store or dispose of waste on-site to report on their efforts to reduce volume or toxicity. Note that the Board rule will require an annual report, rather than a biennial report. The Board declined to adopt the biennial report requirement in a prior rulemaking.

Section 724.210 and 724.240

Section 724.210(b)(3) has been added to state that the post-closure rules apply to certain tank systems, as well as to landfills, and to certain piles and lagoons. Under new Section 724.240(b)(3), such tank systems would have to provide financial assurance for post-closure care.

Section 724.247

The liability insurance requirements were amended at 51 Fed. Reg. 25354. Section 724.247(g) has been added to allow parent corporations which meet the financial test to give a guarantee in lieu of liability insurance for the subsidiary. As provided in

Section 724.247(a)(2) and (3), and (b)(2) and (3), the operator can meet the liability insurance requirement through a combination of insurance and financial test, or a combination of insurance and parent guarantee.

40 CFR 264.147(a)(2) is worded slightly differently from (b)(2). For sudden accidental occurrences, the operator can meet the insurance requirement "by passing a financial test or using the corporate guarantee ... as specified in paragraph (g)." For non-sudden accidental occurrences, the operator can meet the requirement "by passing a financial test or using the corporate guarantee ... as specified in paragraphs (f) and (g)." This asymmetry is repeated in Section 265.147. It is subject to the interpretation that the operator can meet a financial test other than that of paragraph (f) for the sudden occurrences, for example the "has not yet filed bankruptcy petition" test suggested in R84-22. The Board has proposed to adopt the USEPA language, but solicits comment.

The third sentence of paragraph (g)(1) seems to contain an error which the Board has corrected. "The guarantee must meet the requirements for owners and operators..." has been changed to "The guarantor must meet the requirements for owners and operators."

The introductory material to 51 Fed. Reg. 25354 refers to a Section 264.147(g) which is to be redesignated as (h). This paragraph, which includes past compliance dates, has never been adopted by the Board.

40 CFR 264.147(g)(2) provides that corporate guarantees may be used only if the Attorney General or the insurance commissioner of two states submit written statements to USEPA that the guarantee is valid and enforceable. The statements must come from officials in the state in which the facility is located and the state in which the guarantor is incorporated. There are a number of problems involved in translating this into State law.

There are several possible legal objections to this type of guarantee. The first is that the guarantor is in a sense writing an insurance contract, and may be subject to regulation as an insurer. This is alleviated by the fact that the guarantee is restricted to parent corporations which own more than 50% of the operator. The second objection has to do with the power of the guarantor. It may be incorporated under a state law which does not allow business corporations to write guarantees or insurance, or its articles of incorporation may so limit it. The third objection has to do with the law of guarantees, which may be very restrictive in some states.

The USEPA rule seems to require case-by-case certification where USEPA administers the RCRA program. For the Illinois program, the facility is always in Illinois. Therefore, the Board can get generic certification as to legality in Illinois.

The Board will solicit comment from both the Attorney General and the Department of Insurance.

With respect to other states, there are several possibilities. The first would be to require each guarantor to obtain an opinion from its state to attach to each guarantee. The Agency would review these on a case-by-case basis. The second option would be to request generic certifications from other nearby states, and to include a list with the rule. The Board has proposed to utilize a third option. It will limit the use of these guarantees to situations governed by Illinois law, thereby averting the problem of reviewing the laws of other states.

The USEPA rule requires a statement from the state of incorporation of the guarantor. However, the validity of this type of guarantee is governed by the law of the place where it is executed, not the law of the state of incorporation. For example, consider a Delaware corporation with headquarters in New York and a facility in Illinois. If the guarantee were executed in New York, its validity, assuming the corporation had power to make guarantees, would be a matter of New York law, although licensing may be required by the Illinois Department of Insurance. The USEPA rule ignores New York. This is a major weakness, since many corporations have headquarters in states other than the state in which they are organized. Another major problem with the USEPA rule would be the expense associated with enforcement of the guarantee in the courts of other states.

The Board has proposed to require officials of the parent corporation to come into Illinois to execute the guarantee, to agree that the guarantee is subject to Illinois law, and to agree to submit to Illinois Court jurisdiction. This makes the question one of Illinois law, to which the Illinois Attorney General alone can certify. The Agency can insist on proof that the parent has the power to make the guarantee on a case-by-case basis, just as they examine documents to assure that the corporate officials have the power to act for the corporation.

In R86-28 the Board proposed to delete Section 724.247(b)(4), which includes past compliance dates for obtaining liability insurance. Pursuant to a request from USEPA, on March 5, 1987, the Board reinserted this language, but indicated that it would consider deleting it again in this Docket. The Board has again proposed to repeal these past compliance dates. In the absence of dates, the rule will require immediate compliance with the insurance requirement. This is the same result as keeping the past dates in, only it takes a half page less space in the rulebook. As to the question of enforcement for past violations, the rules which were in effect as of the date of the violation remain enforceable. In that some of the dates specified were before the Board adopted the requirement, and before Illinois received authorization, there is a period of time during which enforcement was possible only with respect to the federal rule.

There is nothing the Board can do to adopt a retroactive requirement.

Section 724.251

The Board has updated the incorporation by reference of the USEPA forms in 40 CFR 264.151, which have been modified to reflect the changes discussed above. The Agency will revise its printed forms to reflect these changes.

Section 724.290

USEPA amended the requirements for tank systems which treat or store hazardous waste at 51 Fed. Reg. 25471. Corrections appeared at 51 Fed. Reg. 29430. The Board has proposed to adopt similar changes.

These provisions involve tanks used to treat or store hazardous wastes. Tanks used to store petroleum products are regulated under Part 732.

Section 724.291

Section 724.291(a) requires that the operator of an existing tank conduct an assessment of the tank and determine either that the tank system is not leaking or, on the other hand, that it is unfit for use. The Board has added language to the federal text to make this clearer. Section 724.291(b) requires that the assessment "determine that the tank system is adequately designed..." The Board has modified this to make it clear that the assessment could reach a negative conclusion also.

This and the following Sections reference various industry design standards. These will be incorporated by reference in Section 720.111 above. Since the full library reference is in Section 720.111, the Board has shortened the names of the documents as used in the rules.

Section 724.292

This Section specifies requirements for the design and installation of new tank systems.

Section 724.293

40 CFR 264.193(a)(2) contains a reference to tanks used to store or treat "F020, F021, ... and F027." From the context it is clear that "or" was intended.

Section 724.193(c)(3), (c)(4) and (e)(3)(C) propose to allow the Agency to approve designs of secondary containment systems which would not necessarily allow removal of accumulated liquids within 24 hours if the operator makes certain specified showings. 40 CFR 264.193(c) allows these if the operator "can"

make the demonstrations. The Board has modified these to require that the operator actually make the demonstrations, which appears to be what USEPA intends. The Board has also modified these provisions to specify that the demonstrations are to be made by way of a permit application. These provisions are not to be construed as allowing the Agency to grant "variances" after a release has occurred. If operators have tank systems which will not allow prompt removal of liquids, they should so indicate in the permit application. The Agency will specify the removal time in the permit.

40 CFR 264.193(e)(2)(i) includes a reference to "its" boundary, where the antecedent is not altogether clear. Section 724.293(e)(2)(A) replaces this with "the vault system's".

40 CFR 264.193(e)(2)(v) includes incorrect cross references to the definition of hazardous waste. These have been corrected in Section 724.293(e)(2)(E).

40 CFR 264.193(g) allows USEPA to grant "variances" from the secondary containment requirements for tanks. The operator has to demonstrate either that "alternative design and operating practices," together with location characteristics, will be at least as effective as secondary containment, or that, in the event of a release which does migrate to groundwater, there will be no substantial hazard to human health or the environment. The Board has proposed to utilize an adjusted standards procedure pursuant to Section 28.1 of the Act to make these decisions. The Board has also proposed procedures in 35 Ill. Adm. Code 106. These are taken from the combined sewer overflow procedures of Part 306. They will replace the existing Board procedures in Part 106, which were adopted in R85-22. The modified procedures will allow the Agency to join as a co-petitioner, and will require a rulemaking-type hearing instead of the variance-type hearing of old Part 106.

Section 724.293(g) and (h) reference these procedures, and specify the level of justification required for the adjusted standards. The levels of justification are taken verbatim from the USEPA rules.

As provided in Section 28.1 of the Act and Part 106, adjusted standards are available only where the substantive rule of general applicability specifically references the adjusted standards procedures. Operators cannot request adjusted standards with respect to any other general rules.

40 CFR 264.193(h)(1) requires that the USEPA variance request be initiated 24 months prior to the date secondary containment is required for existing tanks, or 30 days prior to entering into a contract for a new tank. The Board has included these time limits, but notes that any contracts should be contingent on the outcome of the alternative design or operating practices demonstration, since 30 days would not be nearly enough time to complete the adjusted standards proceeding.

The Board has added Section 724.293(h)(2)(B) to require the applicant include a portion of the Part B permit application with the petition for an adjusted standard.

Section 724.293(h)(4) requires that the Agency issue or modify the RCRA permit so as to require the permittee to construct and operate the tank as provided in the Board Order approving the alternative design or operating practices.

Section 724.294

This Section specifies operating requirements, such as spill prevention, for tank systems.

Section 724.295

This Section requires inspection of tank systems.

Section 724.296

Section 724.296(d)(1) requires reporting of releases from tank systems to USEPA within 24 hours unless the release has already been reported pursuant to 40 CFR 302, which concerns CERCLA reporting. The Board has proposed to always require reporting to the Agency.

Following 40 CFR 264.196(f) is a note reciting USEPA's enforcement authority under the RCRA Act. Although USEPA may retain part of this authority in Illinois following authorization, it is not necessary for the Board to recite it in the Board rules.

Section 724.297

This Section requires that the operator remove or decontaminate all waste residues and tank system components on closure. If this is not possible, the tank system is subject to the post-closure care requirements and associated financial assurance.

Section 724.298 and 724.299

The provisions regarding ignitable, reactive and incompatible waste have been modified to reflect changes in terminology.

Section 725.113

Section 725.113(b)(6) has been modified to reference waste analysis rules for interim status tank systems.

Section 725.115

Section 725.115(b)(4) has been modified to reference inspection requirements for tank systems.

Section 725.173

Section 725.173(b)(3) and (6) have been modified to require results of waste analysis in the operating record for facilities with tank systems.

Section 725.175

40 CFR 265.75 was amended at 51 Fed. Reg. 28556. Section 725.175(h) and (i) have been added to require generators which treat, store or dispose of waste on-site to report on their efforts to reduce volume or toxicity. Note that the Board rule will require an annual report, rather than a biennial report. The Board declined to adopt the biennial report requirement in a prior rulemaking.

Section 725.210

40 CFR 265.110 was amended at 51 Fed. Reg. 25471 to state that tanks which must close as landfills are subject to the post-closure care rules. The USEPA amendment seems to delete 40 CFR 264.210(b)(2), which states the similar requirement for lagoons and piles which must close as landfills. The Board believes this may be an error, and will retain these provisions, unless otherwise clarified. The tank system rule will therefore appear as Section 725.210(b)(3).

Section 725.240

Interim status tank systems which must close as landfills have to provide financial assurance for post-closure care.

Section 725.247

Interim status facilities will be allowed to use a corporate guarantee for liability insurance. This is similar to Section 724.247, discussed above.

The Board has proposed to repeal Section 725.247(b)(4), also for the reasons discussed above.

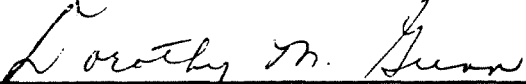
Section 725.290 et seq.

The interim status rules for tank systems are very similar to Section 724.290 et seq., discussed above.

This Proposed Opinion supports the Board's proposal for public comment of this same day.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Proposed Opinion was adopted on the 19th day of March, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board