



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

June 12, 2018

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

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CLERK'S OFFICE
JUN 15 2018
STATE OF ILLINOIS
Pollution Control Board

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 42, Issue 24 of the Illinois Register, dated 6/15/2018.

ADOPTED RULES

Sewer Discharge Criteria
35 Ill. Adm. Code 307 10676
Point of Contact: Mike McCambridge

NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

Notice of Public Information
Point of Contact: Michale J McCambridge 10706

PROPOSED RULES

RCRA and UIC Permit Program
35 Ill. Adm. Code 702 9633
Point of Contact: Mike McCambridge

RCRA Permit Program
35 Ill. Adm. Code 703 9672
Point of Contact: Mike McCambridge

UIC Permit Program
35 Ill. Adm. Code 704 9774
Point of Contact: Mike McCambridge

Procedures for Permit Issuance
35 Ill. Adm. Code 705 9856
Point of Contact: Mike McCambridge



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Hazardous Waste Management System: General	
35 Ill. Adm. Code 720	9892
Point of Contact: Mike McCambridge	
Identification and Listing of Hazardous Waste	
35 Ill. Adm. Code 721	9980
Point of Contact: Mike McCambridge	

If you have any questions, you may contact the Administrative Code Division at
(217) 782 - 7017.

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NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (2016)) requires the Illinois Pollution Control Board (Board) to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2015)). The federal RCRA Subtitle C hazardous waste management (HWM) regulations are found at 40 C.F.R. 260 through 268, 270 through 273, and 279.

Similarly, Section 22.40(a) of the Act (415 ILCS 5/22.40(a) (2016)) requires the Board to adopt regulations that are “identical in substance” to Municipal Solid Waste Landfill (MSWLF) regulations adopted by the USEPA. These USEPA rules implement Subtitle D of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle D) (42 U.S.C. §§ 6941 *et seq.* (2015)). The federal RCRA Subtitle D MSWLF regulations are found at 40 C.F.R. 258.

Sections 22.4(a) and 22.40(a) also provides that Title VII of the Act (415 ILCS 5/26 *et seq.* (2016)) and Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35 (2016)) do not apply to the Board’s adoption of identical-in-substance regulations.

Section 7.2(a) of the Act (415 ILCS 5/7.2(a) (2016)) requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the adoption deadline by causing *Illinois Register* publication of a notice of the extension and reasons for delay.

On October 19, 2017, the Board adopted an order in consolidated docket R17-14/R17-15 that set forth reasons for delay in updating 35 Ill. Adm. Code 702-704, 720-728, 733, 739, 810, 811, and 812. In that order, the Board stated as follows:

EXTENSION OF DUE DATE AND REASONS FOR DELAY

The Board finds it necessary to set forth reasons for delay and again extend the due date for final Board adoption of amendments. The Board encountered unanticipated delay in development of this proposal for public comment.

The statutory due date for the R17-14 and R17-15 amendments was November 28, 2017. The Board extended that deadline until June 1, 2018 by an order adopted on October 19, 2017. A notice of public information appeared in the *Illinois Register* on November 3, 2017, at 41 Ill. Reg. 13463. The Board cannot complete the amendments before June 1, 2018.

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The statutory due date for the R18-12 amendments is arguably August 28, 2018.¹ For the reasons stated below, the Board cannot fulfill that deadline.

The Board finds it necessary to extend the due date for adopting the consolidated R17-14, R17-15, and R18-12 amendments² until December 3, 2018.

The extreme volume and complexity of the present amendments and limited Board staff resources while this rulemaking was under development caused delay of this proposal for public comment. The Board now anticipates completion of the present amendments no later than December 3, 2018.

REVISED TIMETABLE TO COMPLETE RULEMAKING

The following schedule is the best-case scenario in which no added time will be necessary to complete these amendments:

Board order proposing amendments:	May 24, 2018
Submission for <i>Illinois Register</i> publication:	June 11, 2018
Estimated <i>Illinois Register</i> publication date:	June 22, 2018
Estimated end of 45-day public comment period:	August 6, 2018
Board order adopting amendments:	August 23, 2018
End of 30-day delay for USEPA review:	September 24, 2018
Estimated filing and effective date:	October 1, 2018
Estimated <i>Illinois Register</i> publication date:	October 12, 2018

The Board will complete this rulemaking no later than December 3, 2018. The selection of December 3, 2018 as the extended due date for completion of these amendments adds two months to the best-case scenario. Although the Board intends to complete these amendments as rapidly as possible, the Board adds extra time to allow for delays. Due to the extreme volume of the present

¹ USEPA did not amend its rules on August 28, 2017. Rather, USEPA set an implementation date, which allows the Board to substitute the date for a defined phrase in the federal text. USEPA did amend its rules on December 26, 2017. See discussion below of the federal actions.

² There is no need to extend the due date for the R18-31 UIC corrections because their due date is May 10, 2019—one year from the date of this opinion and order finding that corrections are needed. See 415 ILCS 5/7.2(b) (2016).

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amendments, delay may occur in publication of the proposal for public comment.³ It is also possible that JCAR may request additional time to review the amendments. Under 415 ILCS 7.2(b), the Board extends to December 3, 2018, the statutory deadline for adoption of amendments in these consolidated proceedings.

³ The Office of the Secretary of State, Administrative Code Unit tries to limit the length of each issue of the Illinois Register to about 1,000 pages. The present amendments are nearly twice that length. This conflict could cause delay in publication of the proposed amendments.