

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1980

IN THE MATTER OF:)
)
SPECIAL WASTE) R76-10
HAULING REGULATIONS)

FINAL ORDER, EMERGENCY RULE
ORDER OF THE BOARD (by D. Satchell):

On July 9, 1980 the Environmental Protection Agency (Agency) filed a petition for revision to existing regulations seeking modification of Rule 601 of Chapter 9: Special Waste Hauling Regulations. In adopting Chapter 9 the Board retained jurisdiction in order to allow expeditious revision should the need arise (33 PCB 131, March 15, 1979).

Rule 601 provides for issuance of permits and tank numbers by the Agency for a term not to exceed one year. Permits have been issued since June 19, 1979. Under Rule 601(B), renewal application must be made ninety days prior to expiration. The Agency requires that vehicle license numbers be identified in this application [Rule 202(D)]. License plates for many of these vehicles expire on July 1. New license numbers are often unknown to haulers until shortly before this date. The Agency must reject many applications and delay permit issuance during the summer months until new plate numbers are available. This imposes unnecessary costs on the Agency and waste haulers.

The Board therefore proposes to modify Rule 601 through Proposed Rule 602. The Agency may advance to September 30, 1980 the expiration dates of outstanding permits due to expire between now and September 30, 1980 [Rule 602(A)(1)]. Outstanding permits due to expire next summer may be advanced to September 30, 1981 [Rule 602(A)(2)]. New permits issued between now and September 30, 1980 may expire not later than September 30, 1981. Thereafter one year permits will be issued which will not expire at the same time as the license plates.

The Agency proposed to modify Rule 601 itself. The Board declines to burden the general rule with language which will be of no effect in fifteen months.

Hearings were previously held on the proposal in R76-10. An economic impact study and additional hearings are unnecessary since this proposal does not substantially alter the intent or purpose of Chapter 9 (Section 27 of the Environmental Protection Act).

Rule 601 is currently causing unnecessary expense to the Agency and the public. Unregulated dumping of hazardous wastes

could occur if the Agency is unable to promptly issue Chapter 9 permits. The Board finds that an emergency exists. Rule 602 will be effective on filing with the Secretary of State without notice or comment as provided by Rule 5.01 of the Secretary of State's Rules on Rules and Section 5(b) of the Illinois Administrative Procedure Act [Ill. Rev. Stat. 1979, ch. 127, Section 1005(b)].

This Order supplements the Board's Opinion and Order of March 15, 1979 and constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

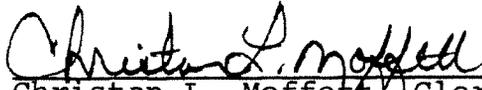
The Board hereby adopts emergency Rule 602 of Chapter 9: Special Waste Hauling Regulations.

602 Temporary Rule on Duration of Permits and Numbers
EMERGENCY

- A. The Agency may by letter postpone the expiration date of permits and tank or vehicle numbers issued prior to the effective date of this Rule. Such letter shall be addressed to the permittee and shall indicate a new expiration date.
 - (1) Permits and numbers issued on or before September 30, 1979 shall expire no later than September 30, 1980.
 - (2) Permits and numbers issued after September 30, 1979 but prior to the effective date of this Rule shall expire no later than September 30, 1981.
- B. Permits and tank or vehicle numbers issued on or after the effective date of this Rule but before September 30, 1980 shall expire no later than September 30, 1981.
- C. This Rule shall apply to permits and tank or vehicle numbers issued or outstanding during the term of its effectiveness, the one year limitation on permits provided by Rule 601(A) notwithstanding.
- D. This Rule shall expire October 1, 1980; provided, however, that expiration dates fixed or altered pursuant to this Rule shall continue unaffected by such expiration.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 24th day of July, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board