

ILLINOIS POLLUTION CONTROL BOARD
December 22, 2015

IN THE MATTER OF:)
RCRA SUBTITLE C UPDATE, USEPA) R16-7
AMENDMENTS (January 1, 2015 through) (Identical-in-Substance
June 30, 2015)) Rulemaking - Land

Proposed Rule. Deadline Extension Order.

ORDER OF THE BOARD (by J.A. Burke):

The Board finds it necessary to extend the deadline for filing of amendments in this matter. By this order the Board extends the deadline for adoption of the pending amendments until June 30, 2016.

BACKGROUND

The due date for this proceeding was based on the earliest federal amendments included in this rulemaking, specifically the January 13, 2015 amendments to the hazardous waste export rule. The due date for filing the completed amendments is one year from that date, so the Board must file the amendments with the Office of the Secretary of State before January 13, 2016. *See* 415 ILCS 5/7.2(b) (2014).

EXTENSION OF DEADLINE

The Board requires additional time to develop a proposal for public comment in this matter. The Board notes two primary reasons for an extended deadline. First, the volume and complexity of the underlying USEPA amendments was significant, taking considerable effort. The Board anticipates that the opinion and order proposing the amendments will exceed 1,000 pages in length affects numerous sections of existing Board rules. Second, USEPA submitted a number of comments on existing rules based on USEPA's periodic review for federal authorization of the Illinois RCRA Subtitle C regulations. Examining the differences between USEPA and Illinois texts and formulating responses to USEPA's observations took considerable effort.

For the foregoing reasons, the Board finds that delay was unavoidable and an extension of the one-year deadline is necessary. The Board will adhere to the following schedule:

Due date:	June 30, 2016
Date of Board vote to propose amendments:	March 3, 2016
Submission for <i>Illinois Register</i> publication:	March 14, 2016
Probable <i>Illinois Register</i> publication date:	March 25, 2016
Probable End of 45-day public comment period:	May 9, 2016
Date of Board vote to adopt amendments:	May 19, 2016
End of 30-day hold period for USEPA review:	June 20, 2016
Probable filing and effective date:	June 27, 2016

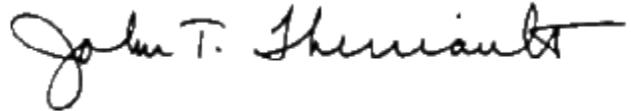
Probable *Illinois Register* publication date: July 8, 2016

At present, the Board hopes to assemble the necessary proposal for public comment more rapidly than the times projected above—perhaps as early as January 2016. This would allow the Board to complete the rulemaking activities early as May 2016. However, to accommodate the unanticipated possibility for further delay, the Board extends the deadline for final action until June 30, 2016.

The Board hereby extends the deadline for completion of this rulemaking under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2014)). The Board also directs staff to cause publication of a Notice of Public Information on Proposed Rules in the *Illinois Register*, based on this order, which sets forth reasons for delay and extends the due date for this proceeding.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 22, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board