

Therriault, John

From: McCambridge, Michael
Sent: Thursday, May 19, 2016 5:01 PM
To: Geving, Kim
Cc: Munie, Joyce; Liebman, Chris; Rominger, Kyle; Therriault, John
Subject: RE: Request for Ordinary-course expedited IIS rulemaking

Will give it to the Board.

John T.: Please enter this e-mail into docket R17-5, which is currently reserved for RCRA Subtitle D amendments.

From: Geving, Kim
Sent: Wednesday, May 18, 2016 6:42 AM
To: McCambridge, Michael
Cc: Munie, Joyce; Liebman, Chris; Rominger, Kyle
Subject: Request for Ordinary-course expedited IIS rulemaking

Mike,

Pursuant to your original direction (highlighted below), please consider this email to be Illinois EPA's formal request for an "ordinary-course expedited consideration" of the upcoming IIS rulemaking mentioned below.

Thank you,
Kim Geving
Assistant Counsel

From: Munie, Joyce
Sent: Monday, May 16, 2016 2:36 PM
To: Geving, Kim
Cc: Rominger, Kyle; Liebman, Chris
Subject: FW: Procedural question re: a potential upcoming IIS rule

Kim,

If we could get the Ordinary-course expedited consideration option, that would be great. Let me know what I need to do.

Joyce

From: McCambridge, Michael
Sent: Wednesday, May 11, 2016 12:03 PM
To: Geving, Kim
Cc: Munie, Joyce; Burke, Jennifer; Powell, Mark; Robertson, Daniel; Hoepfner, Nancy
Subject: RE: Procedural question re: a potential upcoming IIS rule

I actually saw this USEPA action in the pre-publication public inspection version of the *Federal Register* on Monday. I promptly informed the Board that identical-in-substance amendment of 35 Ill. Adm. Code 813.112 will be required. I also included this USEPA action in my draft segments of the Board's July 2016 Semiannual Regulatory Agenda.

Your inquiry originated from your land permits division. I infer possible urgency in the inquiry. To promptly provide the fullest possible answer to your inquiry, I outline the three distinct time-lines that are possible for the May 10, 2016 USEPA amendments.

Ordinary-course consideration: The Act mandates completion of Board rulemaking on this amendment (filing with the Secretary of State to adopt an effective rule) before May 10, 2017. Complying with this deadline will require Board proposal of an amendment no later than February 2, 2017.

Ordinary-course expedited consideration: In the ordinary course of IIS rulemaking, the Board does not assemble a proposal for public comment until the *July List of Sections Affected* is available. This usually occurs by the beginning of August. This delay ensures that the Board is aware of all USEPA actions that require IIS rulemaking in each program for the entire update period of the first half of the year. Thus, using the ordinary course, the Board could prepare and adopt a proposal for public comment no earlier than the end of August. This ordinary-course expedited consideration could enable completion of Board rulemaking as early as the beginning of November 2016.

Fastest-possible expedited consideration: Immediate Board action on a USEPA action is possible if a request for expedited IIS rulemaking justifies the Board using a more rapid alternative. This would involve the Board opening a separate docket for individual set(s) of USEPA amendments and immediately adopting a proposal for public comment. Using this alternative for the May 10, 2016 USEPA amendments based on a request made no later than May 19, 2016, the Board could adopt a proposal for public comment no earlier than June 2, 2016, which would allow completion of Board action on the amendments no earlier than August 2, 2016.

Should the Agency desire expedited consideration, an e-mail request would be sufficient to prompt Board consideration of such consideration. It would prompt me to request whatever level of expedited consideration you have justified. Your request would become part of the record.

I will assume that the Agency does not want any form of expedited consideration unless I have directly heard otherwise from the Agency.

From: Geving, Kim
Sent: Wednesday, May 11, 2016 9:32 AM
To: McCambridge, Michael
Cc: Munie, Joyce
Subject: Procedural question re: a potential upcoming IIS rule

Mike, please see the exchange below. IEPA would like to know if the Board is going to be doing a RCRA Subtitle D IIS rule on this in the near future.

Thank you,
Kim

From: Munie, Joyce
Sent: Wednesday, May 11, 2016 8:01 AM
To: Rominger, Kyle; Geving, Kim
Cc: Liebman, Chris
Subject: FW: RD&D FR notice final

I just want to make sure that this is something that goes through as an identical in substance rulemaking or that we can fast track.

From: Mooney, Susan [<mailto:mooney.susan@epa.gov>]
Sent: Wednesday, May 11, 2016 7:28 AM
To: Brad Wolbert; Giddings, Steve (MPCA); Rust, Mark (MPCA); Chiles, Jim (MPCA); aaron.shear@epa.ohio.gov; Teri.Finfrock@epa.ohio.gov; Daniel.Harris@epa.ohio.gov; Annette DeHavilland; Andrew.Booker@epa.ohio.gov; Oyer, Rhonda (DEQ); Roskoskey, Duane (DEQ); slivers@michigan.gov; ringm@michigan.gov; Munie, Joyce; Liebman, Chris;

KLESMITH, DANIELA; Becky Joniska (RJoniska@idem.IN.gov); SEWELL, JEFF

Cc: Garl, Jerri-Anne; Geyer, Rebecca; Staniec, Carol

Subject: FW: RD&D FR notice final

The final RDD rule was published in the Federal Register yesterday. The rule extends the time period for RDD permits and commits the Agency to publishing an Advanced Notice of Proposed Rulemaking to explore a permanent change to the 258 requirements to allow wet landfills. The preamble indicates that states already approved for the RDD rule (all R5 states have this approval) would need to notify the Region per 40 CFR Part 239 if you change your rules to extend the permit time period.

We will be following up with more specifics on the notification procedure soon.

Susan Mooney
Chief, Municipal and Industrial Materials Section
Materials Management Branch/Land and Chemicals Division
US EPA Region 5
312-886-3585

