

ILLINOIS POLLUTION CONTROL BOARD  
January 20, 1994

IN THE MATTER OF: )  
 )  
REGULATION OF LANDSCAPE ) R93-29  
WASTE COMPOST FACILITIES, ) (Rulemaking)  
35 ILL. ADM. CODE 830-832 )

ORDER OF THE BOARD (by M. McFawn):

On December 30, 1993, the Illinois Environmental Protection Agency (Agency) filed this rulemaking proposal in response to the mandate of Section 22.33 of the Environmental Protection Act (Act) (415 ILCS 5/22.33 (1992)). Section 22.33 of the Act requires the Agency to propose by January 1, 1994, and the Board to adopt by December 1, 1994, regulations setting forth performance standards for landscape waste composting facilities and testing procedures and standards for end-product compost derived from landscape waste and offered for sale or use in Illinois.<sup>1</sup> On January 7, 1994, the Agency submitted some minor formatting and typographical corrections to the December 30, 1993 filing.

The Board find that the petition satisfies the information requirements of 35 Ill. Adm. Code 102.121. The petition is accordingly accepted for hearing.

The Agency's proof of service however, does not indicate that a copy of the proposal has been filed with the Office of the Attorney General (AGO) as required by 35 Ill. Adm. Code 102.140. The Agency is directed to serve the proposal on Joseph Annunzio at the AGO's Chicago office on or before February 1, 1994.

The Agency's proposal was also accompanied by a motion requesting that, as to three documents, the Board waive the requirement of 35 Ill. Adm. Code 102.121(f) that copies of any material to be incorporated by reference be submitted with the regulatory proposal. The Agency asserts that the Board already has two of these documents in its possession:

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<sup>1</sup> The Agency notes that it will, "as soon as possible", also be filing regulatory proposals to address the mandates of Sections 22.34 and 22.35 regarding composting of organic waste and mixed municipal waste. These Sections contain the same deadline dates as does Section 22.33 -- January 1, 1994 Agency proposal and December 1, 1994 Board adoption. The Board notes that delay in receipt of the Agency's proposals jeopardizes timely completion of those rulemakings.

1. Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992, published by the American Public Health Association; and
2. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (Third Edition, September, 1986, as amended by Revision 1 (December, 1987), Final Update I (November, 1992) and Proposed Update II (July, 1992)).

The Agency asserts that it would cost \$400-\$500 to purchase copies for submittal to the Board, and that photocopying would be costly due to their length.

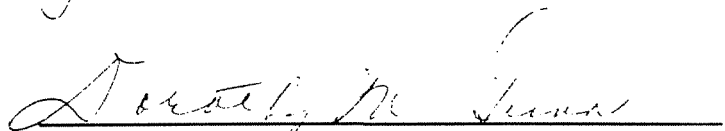
The Agency proposes to submit the third document as an exhibit to its testimony. This document is:

3. Recommended Chemical Soil Test Procedures for the North Central Region, North Central Regional Publication No. 221 (Revised). Bulletin No. 499 (Revised). October, 1988, North Dakota Agricultural Experiment Station, North Dakota State University, Fargo, North Dakota 58105.

The Agency's motion is granted. The Agency need not submit copies of Standard Methods and Test Methods, but shall submit Recommended...Procedures pursuant to the schedule for pre-filing of testimony established by the Hearing Officer.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of January, 1994, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board