

ILLINOIS POLLUTION CONTROL BOARD
January 9, 1992

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R91-13
(1/1/91 - 6/30/91)) (Identical in Substance
) Rules)

EXTENSION OF TIME

ORDER OF THE BOARD (by J. Anderson):

The Board entered a Proposed Opinion and Order in this RCRA Update Docket on December 19, 1991. The proposed rules will appear in the Illinois Register on approximately January 17, 1992.

Section 22.4(a) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are identical in substance to federal regulations promulgated by USEPA to implement the Federal Resource Conservation and Recovery Act. Section 7.2(b) of the Act requires that identical in substance rulemakings be completed within one year after the first USEPA action in any six month batch period. If the Board is unable to do so it must find that an "extension of time" is necessary, give the reasons why the one year period is insufficient for completion of the rulemaking, publish the finding and reasons in the Illinois Register and specify a date when the Board anticipates completion of the rulemaking.

The Board hereby finds that an extension of time is needed. March 26, 1992 is the anticipated completion date and the reasons are as follows:

This Docket, R91-13, included a substantial body of new text, and a complete overhaul of the "third third" land disposal bans. To develop a Proposal efficiently, the Board needed the text of these USEPA rules in an electronic format. USEPA provided this. However, the request was made at a time during which USEPA was upgrading its data transmission abilities. Although the text the Board finally received was of excellent quality, it was not received until rather late.

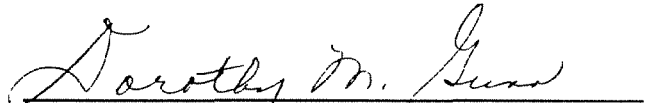
The "third third" corrections comprise some 240 pages of text in the Board's format. The Federal Register on which this was based simply reprinted most of the USEPA rules, without presenting the corrections in a "strike and underline" format. Staff had to devote several weeks, prior to receipt of the electronic text, to extensive cross-reading of the texts to identify the changes.

Also, R91-3, the SDWA Update for the period 7/1/90 through 1/31/91 also was being processed. It is subject to a similar mandate to adopt identical in substance rules. The Board staff invested a substantial amount of time attempting to develop a Board proposal from USEPA rules, as is discussed in the Board's Order of this same day in R91-3. The time spent in attempting to do so has resulted in delays in other rulemakings.

Pursuant to Section 7.2(b) of the Act, this Order will be published expeditiously in the Illinois Register.

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 9th day of January, 1992, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board