



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

October 22, 2009

POLLUTION CONTROL BOARD  
JOHN THERRIAULT ASSISTANT CLERK  
100 W RANDOLPH ST, STE 11-500  
CHICAGO, IL 60601

**RECEIVED**  
**CLERK'S OFFICE**

**OCT 28 2009**

**STATE OF ILLINOIS**  
**Pollution Control Board**

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 33, Issue 44 of the Illinois Register, dated 10/30/2009.

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

Notice of Public Information Pursuant to 415 ILCS 5/7.2(b)

Point of Contact: Mike McCambridge

14841

If you have any questions, you may contact the Administrative Code Division at  
(217) 782 - 7017.

COPY

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] requires the Board to adopt regulations that are "identical in substance" to U.S. Environmental Protection Agency (USEPA) hazardous waste rules adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2008)). These rules are contained in 35 Ill. Adm. Code 701 through 705, 720 through 728, 733, and 739.

Section 7.2(a) of the Act [415 ILCS 5/7.2(a)] requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) [415 ILCS 5/7.2(b)] allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

By an order dated October 15, 2009, the Board consolidated dockets R09-16 and R10-4, in order to expedite consideration of all of the amendments. By that order, the Board also set forth reasons for delay and extended the deadline for final action on the amendments from October 30, 2009 to April 15, 2010.

**REASONS FOR DELAY AND EXTENSION OF DEADLINE**

The due date for this proceeding was based on the earliest federal amendments included in this rulemaking, the October 30, 2008 amendments to the Definition of Solid Waste Rule. Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2008)). 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 October 30, 2009. To accomplish this deadline, the Board would have had to adhere to the following schedule of intermediate occurrences:

Due date:	October 30, 2009
Date of Board vote to propose amendments:	June 18, 2009
Submission for <i>Illinois Register</i> publication:	June 29, 2009
Probable <i>Illinois Register</i> publication date:	July 10, 2009
Probable End of 45-day public comment period:	August 24, 2009
Date of Board vote to adopt amendments:	September 17, 2009
End of 30-day hold period for USEPA review:	October 17, 2009
Probable filing and effective date:	October 26, 2009
Probable <i>Illinois Register</i> publication date:	November 9, 2009

The Board has been developing a proposal for public comment in this matter, and more time than the Board estimated is necessary to complete that proposal. Due to the volume and complexity of the amendments involved in this

RECEIVED

OCT 19 2009

603-0005 DM

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

consolidated update docket, the Board has not yet completed the proposal. The October 30, 2008 amendments to the Definition of Solid Waste Rule involved incorporation of a new administrative determination and four new self-implementing exclusions from the definition of solid waste into the Illinois regulations. This has required extensive examination of the existing rules, as well as the new provisions and the addition of a voluminous new body of financial assurance requirements to the regulations. Also, the December 19, 2008 amendments to the excluded fuels rule involved incorporation of what is essentially an extensive new provision to the regulations. Similarly, the December 1, 2008 adoption of alternative generator requirements for eligible academic entities adds a new subpart to the hazardous waste generator standards.

Further, delay will allow the Board to consolidate the R09-16 and R10-4 dockets, in order to more promptly deal with the USEPA amendments of June 25, 2009 that will be the subject of docket R10-4.

For the foregoing reasons, the Board finds that delay was unavoidable and an extension of the deadline for completion of these amendments is necessary until April 15, 2010. To fulfill this deadline, the Board must adhere to the following schedule of intermediate occurrences:

Due date:	January 15, 2009
Date of Board vote to propose amendments:	December 3, 2009
Submission for <i>Illinois Register</i> publication:	December 15, 2009
Probable <i>Illinois Register</i> publication date:	December 26, 2009
Probable End of 45-day public comment period:	February 9, 2010
Date of Board vote to adopt amendments:	February 18, 2010
End of 30-day hold period for USEPA review:	<b>March 18, 2010</b>
Probable filing and effective date:	March 23, 2010

At present, the Board plans to vote to adopt amendments based on the proposal for public comment at the regularly scheduled Board meeting of November 19, 2009 or December 3, 2009. After receiving public comments on the amendments, the earliest date for Board adoption of the amendments will be February 4, 2010 or February 18, 2010. After holding the amendments for 30 days after adoption to allow USEPA to review them before they are filed, the earliest date for filing the amendments with the Office of the Secretary of State will be March 9, 2010 or March 23, 2010. However, to accommodate the unanticipated possibility for further delay, the Board will extend the deadline for

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

final action until April 15, 2010, which would allow the Board to vote to amend the amendments as late as the regularly-scheduled meeting of March 4, 2010.

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) (2008)). 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, that sets forth reasons for delay and extends the due date for this proceeding.

Direct inquiries as follows, referencing consolidated docket R09-16/R10-4:

Michael J. McCambridge, Staff Attorney  
Illinois Pollution Control Board  
312-814-6924 or [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)