



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

December 27, 2010

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DEC 30 2010  
STATE OF ILLINOIS  
Pollution Control Board

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

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 35, Issue 1 of the Illinois Register, dated 1/3/2011.

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

Notice of Public Information

Point of Contact: Mike McCambridge

322

### PROPOSED RULES

Mobile Sources

35 Ill. Adm. Code 240

Point of Contact: Nancy Miller

129

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

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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 December 16, 2010, the Board set forth reasons for delay and extended the deadline for final action on the amendments from January 8, 2011 to July 1, 2011. That order stated in significant part as follows:

**REASONS FOR DELAY AND EXTENSION OF DEADLINE**

The Board has encountered delays in initiating development of a proposal for public comment in this matter. This was due to the delays in adopting the amendments in the prior RCRA Subtitle C update, RCRA Subtitle C Update, USEPA Amendments (July 1, 2008 through December 31, 2008 and June 15, 2010), R09-16, RCRA Subtitle C Update, USEPA Amendments (January 1, 2009 through June 30, 2009), R10-4 (consolidated) (October 7, 2010) (filed and effective on November 12, 2010), and the federal Safe Drinking Water Act update docket, SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009), R10-1; SDWA Update, USEPA Amendments (July 1, 2009 through December 31, 2009), R10-17; and SDWA Update, USEPA Amendments (January 1, 2010 through June 30, 2010), R11-6 (December 2, 2010) (consolidated) (filed and effective December 6, 2010).

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 July 1, 2011. To fulfill this deadline, the Board must adhere to the following schedule of intermediate occurrences:

|                                  |                          |
|----------------------------------|--------------------------|
| <b>Due date:</b>                 | <b>July 1, 2011</b>      |
| <b>Proposal adopted date:</b>    | <b>February 17, 2011</b> |
| Publication submission deadline: | February 28, 2011        |

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POLLUTION CONTROL BOARD

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|   |                      |
|---|----------------------|
| <i>Illinois Register</i> publication date:          | March 11, 2011       |
| End of 45-day public comment period:                | April 25, 2011       |
| <b>Adoption date:</b>                               | <b>May 19, 2011</b>  |
| End of 30-day holding period:                       | <b>June 20, 2011</b> |
| Possible filing and <b>effective date:</b>          | <b>June 27, 2011</b> |
| Possible <i>Illinois Register</i> publication date: | July 8, 2011         |

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 2011. This would allow the Board to complete the rulemaking activities early as May 2011. However, to accommodate the unanticipated possibility for further delay, the Board extends the deadline for final action until July 1, 2011. This will allow the Board to vote to propose the amendments as late as the regularly-scheduled meeting of February 17, 2011.

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, which 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)