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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

October 26, 2017

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 41, Issue 44 of the Illinois Register, dated 11/3/2017.

ADOPTED RULES

Definitions and General Provisions 35 Ill. Adm. Code 211 Point of Contact: Mike McCambridge	13389
Air Quality Standards 35 Ill. Adm. Code 243 Point of Contact: Mike McCambridge	13413

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

Notice of Public Information Point of Contact: Mike McCambridge	13463
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PROPOSED RULES

Control of Emissions from Large Combustion Sources 35 Ill. Adm. Code 225 Point of Contact: Nancy Hoepfner	13299
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If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (2016)) requires the Illinois Pollution Control Board (Board) to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2015)). The federal RCRA Subtitle C hazardous waste management (HWM) regulations are found at 40 C.F.R. 260 through 268, 270 through 273, and 279.

Similarly, Section 22.40(a) of the Act (415 ILCS 5/22.40(a) (2016)) requires the Board to adopt regulations that are “identical in substance” to Municipal Solid Waste Landfill (MSWLF) regulations adopted by the USEPA. These USEPA rules implement Subtitle D of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle D) (42 U.S.C. §§ 6941 *et seq.* (2015)). The federal RCRA Subtitle D MSWLF regulations are found at 40 C.F.R. 258.

Sections 22.4(a) and 22.40(a) also provides that Title VII of the Act (415 ILCS 5/26 *et seq.* (2016)) and Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35 (2016)) do not apply to the Board’s adoption of identical-in-substance regulations.

Section 7.2(a) of the Act (415 ILCS 5/7.2(a) (2016)) 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) allows the Board to extend the adoption deadline by causing *Illinois Register* publication of a notice of the extension and reasons for delay.

On October 19, 2017, the Board adopted an order in consolidated docket R17-14/R17-15 that set forth reasons for delay in updating 35 Ill. Adm. Code 702-704, 720-728, 733, 739, 810, 811, and 812. In that order, the Board stated as follows:

ORIGINAL DEADLINE FOR FINAL BOARD ACTION

Under Section 7.2(b) of the Environmental Protection Act (Act) (415 ILCS 5/7.2(b) (2016)), the deadline for the Board to complete either the RCRA Subtitle D MSWLF rulemaking or the RCRA Subtitle C hazardous waste rulemaking is based on USEPA’s November 28, 2016 GIR. This was the earliest federal amendment included in either R17-14 or R17-15. As the Board’s deadline is one year from that date, the Board must file its final amendments with the Office of the Secretary of State (SOS) by November 28, 2017. To meet this deadline, the Board would have had to adopt a proposal for public comment no later than September 7, 2017. The Board has not been able to do so.

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POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

REASONS FOR DELAY AND EXTENSION OF DEADLINE

The Board encountered delays in developing a proposal for public comment. Recent identical-in-substance rulemakings have imposed significant demands on Board resources. The significant and voluminous amendments in the pending proceeding, SDWA Update, USEPA Amendments (July 1, 2016 through December 31, 2016), R17-12 (June 22, 2017) (proposal for public comment), delayed work on these rules. Further, the federal hazardous waste amendments of November 28, 2016, which include the “Hazardous Waste Export-Import Revisions,” along with the GIR, are voluminous, extensively revise the hazardous waste generator requirements, and affect almost all parts of the hazardous waste rules. Incorporating these amendments into the Illinois rules has been requiring considerable effort.

For these reasons, the Board finds that delay was unavoidable and a deadline extension until June 1, 2018 is necessary to complete these amendments. To meet this extended deadline, the Board plans to follow the schedule below:

Extended deadline:	June 1, 2018
Board vote to propose amendments:	February 8, 2018
Submission for <i>Illinois Register</i> publication:	February 12, 2018
Probable <i>Illinois Register</i> publication:	February 23, 2018
Probable end of 45-day public comment period:	April 9, 2018
Board vote to adopt amendments:	April 19, 2018
End of 30-day hold period for USEPA review:	May 21, 2018
Probable SOS filing, amendments take effect:	May 28, 2018
Probable <i>Illinois Register</i> publication:	June 9, 2018

Under Section 7.2(b) of the Act, the Board extends—until June 1, 2018—the deadline for filing final amendments with the SOS. The Board also directs staff to cause *Illinois Register* publication of a “Notice of Public Information on Proposed Rules” that, based on this order, gives the reasons for delay and extends the deadline.