

ILLINOIS POLLUTION CONTROL BOARD
June 1, 2006

IN THE MATTER OF:)	
)	
UIC UPDATE, USEPA AMENDMENTS	)	R06-16
(July 1, 2005 through December 31, 2005)	)	(Identical-in-Substance
	)	Rulemaking - Land)
RCRA SUBTITLE D UPDATE, USEPA	)	R06-17
AMENDMENTS (July 1, 2005 through	)	(Identical-in-Substance
December 31, 2005)	)	Rulemaking - Land)
RCRA SUBTITLE C UPDATE, USEPA	)	R06-18
AMENDMENTS (July 1, 2005 through	)	(Identical-in-Substance
December 31, 2005 and March 23, 2006)	)	Rulemaking - Land)
	)	(Consolidated)

ORDER OF THE BOARD (by G.T. Girard):

This matter is before the Board on the May 18, 2006 motion for extension of time filed by the Illinois Environmental Protection Agency (Agency). The Agency requests that the Board extend the public comment period, scheduled to end June 5, 2006, to allow more time to evaluate the proposed rules and formulate comments for submission to the Board. The Agency requests that the Board hold the public comment period open until June 30, 2006. The Board has not received any response to the Agency motion.

This order grants that motion. To do so, the Board also extends the deadline for completion of this rulemaking under Section 7.2(b) of the Environmental Protection Act (Act), 415 ILCS 5/7.2(b) (2004). 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.

THE MOTION

The Board adopted a proposal for public comment in this matter on April 6, 2006. That proposal for public comment included proposed amendments to Parts 702 through 705, 720 through 726, 728, 730, 733, 738, 739, 810, 811, 812, and 813 of the Land Pollution Control rules. The Board further proposed a new Part 727 to the rules. A Notice of Proposed Amendments for each affected Part appeared in the April 21, 2006 issue of the *Illinois Register*. See 30 Ill. Reg. 6675 (Apr. 21, 2006). Thus, the 45-day public comment period would normally end on June 5, 2006.

The Agency requests that the Board extend the deadline for public comments until June 30, 2006. In support of its motion for extension of time, the Agency states as follows:

[D]ue to the large volume of the consolidated rulemaking and the fact that Part 727 Standardized Permit changes are far reaching, the Illinois EPA needs more time to evaluate how the new regulations are intertwined with the existing regulations. Motion for Extension of Time at 1.

Although the motion's response time has not yet elapsed, the Board rules on the motion today to prevent undue delay and material prejudice. *See* 35 Ill. Adm. Code 101.500(d) (2004). The Board grants the Agency the requested additional time to evaluate the proposal and submit its comments. The public comment period will end on June 30, 2006. The Agency and any other person must have any public comments in the Board's offices by the close of business on June 30, 2006.

DUE DATE EXTENSION AND REASONS FOR DELAY

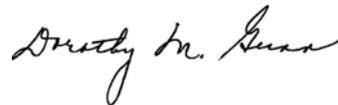
The due date for this proceeding is based on the earliest federal amendments included in this rulemaking, the August 5, 2005 federal mercury-containing device amendments to the Universal Waste Rule. Section 7.2(b) of the Act, 415 ILCS 5/7.2(b) (2004). The due date for filing the completed amendments is one year from that date, so the Board must file the amendments with the Office of the Secretary of State before August 5, 2006, is warranted. To accomplish this deadline, the Board must vote to adopt the amendments before July 5, 2006, in order to allow the required 30-day period for USEPA to review the amendments before they are filed. This would require adoption by the Board at the regularly scheduled meeting of June 15, 2006.

If the Board is to allow added time until June 30, 2006, for the Agency submit its comments, the Board must extend the deadline for Board adoption of the amendments as provided in Section 7.2(b) of the Act. The Board presently believes that an extension until September 14, 2006 will be sufficient. This will allow the Board until August 9, 2006, to evaluate the Agency comments and vote to adopt the amendments, and the 30-day period for USEPA review would end on September 11, 2006. The earliest time that the Board can complete this proceeding and file the adopted amendments with the Office of the Secretary of State would be September 14, 2006.

Board staff is directed to promptly cause publication of a Notice of Public Information on Proposed Amendments in the *Illinois Register* that sets forth the foregoing as reasons for delay.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 1, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board