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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
July 17, 2008

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO THE) R06-20
BOARD'S SPECIAL WASTE) (Rulemaking - Land)
REGULATIONS CONCERNING)
USED OIL, 35 ILL. ADM. CODE 808, 809)

NOTICE OF PARTICIPANTS' CONFERENCE CALL

DATE, TIME, AND DIALING INFORMATION:

PARTICIPANTS' CONFERENCE CALL: THURSDAY JULY 31, 2008, 1:30 PM

Dial Number: 1-888-252-9167
Passcode (after dialing): 7055182, followed by “#”

PURPOSE OF CALL: Procedural -- Scheduling hearings and associated filing deadlines.

HEARING OFFICER: Timothy J. Fox

HEARING OFFICER ORDER

This rulemaking originated with a proposal filed by NORA, An Association of Responsible Recyclers (NORA). On May 1, 2008, the Board adopted a first-notice opinion and order proposing amendments to the Board's special waste regulations (35 Ill. Adm. Code 808, 809). The proposed amendments were published in the *Illinois Register* on May 30, 2008. 32 Ill. Reg. 8085-8102.

In its opinion and order, the Board adopted for first notice amendments intended to exempt used oil that is defined by and managed in accordance with Part 739 from the manifesting requirements of Parts 808 and 809 (35 Ill. Adm. Code 739, 808, 809). Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809, R06-20, slip op. at 1, 56 (May 1, 2008). In the same order, the Board also adopted for first notice amendments intended to exempt shipments containing no special waste other than used oil that is defined by and managed in accordance with Part 739 from the special waste hauling permit requirements of Parts 808 and 809 (35 Ill. Adm. Code 739, 808, 809). *Id.* In its discussion of the issues raised in this proceeding, the Board declined to extend the scope of these two proposed exemptions. *Id.* at 52-54.

However, the Board's order specifically sought comment on whether to amend Part 739 (35 Ill. Adm. Code 739) so that those regulations would require in a single tracking document, information satisfying the various requirements that may apply to shipments of used oil. Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill.

Adm. Code 808, 809, R06-20, slip op. at 1, 56 (May 1, 2008). In the event that any participant wished to amend Part 739 in that manner, the Board sought comment in the specific form of regulatory language that might be proposed to effect such an amendment. *Id.*

On June 4, 2008, NORA filed a “Motion to Request Hearing Following First Notice” (Mot.). NORA stated that “[a] hearing will enable NORA to respond to the Board’s specific requests for comment by participants on whether to amend Part 739 and its request for comment in the form of regulatory language that might be proposed to effect such an amendment.” Mot. at 1-2. In addition, NORA requested the scheduling of a pre-hearing conference. *Id.* at 2, citing 415 ILCS 5/27 (2006).

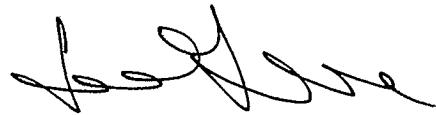
In an order dated July 10, 2008, the Board granted NORA’s motion for a third hearing in this matter. The Board directed the hearing officer to schedule a pre-hearing conference to address procedural matters including, but not limited to, the date and location of the hearing and deadlines for pre-filed testimony and other filings.

Accordingly, a pre-hearing conference call is scheduled to take place on Thursday, July 31, 2008 at 1:30 PM. The hearing officer will conduct the call, the purpose of which is limited to having participants report on their availability for hearing and to schedule a hearing and associated deadlines. Only questions and comments related to the procedural purpose of this conference call will be allowed. This status conference will not be used to discuss the merits of the Board’s first-notice proposal or to receive substantive evidence of any nature. Specifically, participants should prepare for the conference call by determining dates between September 15, 2008, and October 31, 2008 on which they will *not* be available for hearing.

Anyone may participate in the pre-hearing conference call either by speaking or merely by listening. The dial-in number for the conference call is 1-888-252-9167. After dialing in, you will be asked to enter the passcode for this conference call, which is 7055182, followed by “#”.

The hearing officer has reserved six phone lines for the July 31, 2008 pre-hearing conference call. To ensure that there is a line available for each participant wishing to take part in the call, **please notify the hearing officer through the contact information listed below by 4:30 PM Monday, July 28, 2008, if you would like to participate in the pre-hearing conference call.** Additional lines may be added as needed.

IT IS SO ORDERED.



Timothy J. Fox
Hearing Officer
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