

ILLINOIS POLLUTION CONTROL BOARD

July 10, 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 )

ORDER OF THE BOARD (by A.S. Moore):

This rulemaking proceeding 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.

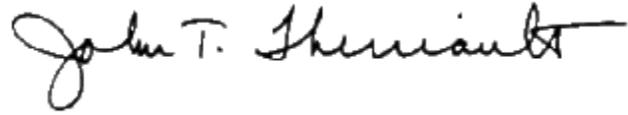
In its first-notice opinion and order, the Board stated that it sought comment on whether to amend Part 739 (35 Ill. Adm. Code 739) so that those regulations would require in a single tracking document information satisfying the various informational requirements that may apply to shipments of used oil. 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 also sought comment in the 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 requested a hearing by citing authorities including the Illinois Administrative Procedure Act, which provides that the Board shall hold a public hearing during the first-notice period if the Board receives a request to do so within the first 14 days after publication of the proposed rulemaking in the *Illinois Register* from an association representing at least 100 interested persons. 5 ILCS 100/5-40 (2006); *see also* 415 ILCS 5/27, 28 (2006). NORA states that it "is a trade association comprised of more than 200 companies providing used oil collection and recycling services." Mot. at 1. NORA further states 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." *Id.* at 1-2. In addition, NORA requests the scheduling of a pre-hearing conference. *Id.* at 2, citing 415 ILCS 5/27 (2006).

The Board grants the motion for a hearing following first notice. The Board directs the hearing officer to schedule a pre-hearing conference to address issues including, but not limited to, the date and location of the hearing and deadlines for pre-filed testimony and other filings.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 10, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board