

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1995

IN THE MATTER OF: )  
 )  
SPECIAL WASTE HAULING ) R95-11  
VEHICLE NUMBERS: AMENDMENT TO ) (Rulemaking -Land)  
35 ILL. ADM. CODE 809.401. )

Proposed Rule.                      Second Notice.

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On March 16, 1995, at the request of the Association of Waste Hazardous Materials Transporters (AWHMT), the Board initiated this rulemaking which proposes to amend Section 809.401 (35 Ill. Adm. Code Part 809). The proposal deletes the current provision found at Section 809.401 and replaces it with new language which would allow the owner/operators of vehicles that transport special waste to maintain the special waste hauling permit issued by the Illinois Environmental Protection Agency (Agency) within the vehicle, rather than to require that a permit number be displayed on the vehicle's exterior.

This matter came before the Board on our own motion to amend the "Vehicle Numbers" provision of the Special Waste Hauling regulations in Section 809.401. The proposed rule went into first notice on September 7, 1995. During the first notice period, the Board received two public comments and we are now proceeding to second notice. After second notice, the Board will proceed to final notice.

The Board's responsibility in this matter arises from the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. (1994)). The Board is charged therein to "determine, define and implement the environmental control standards applicable in the State of Illinois (Section 5/5(b)). More generally, the Board's rulemaking charge is based on the system of checks and balances integral to Illinois environmental governance. The Board bears responsibility for the rulemaking and principal adjudicatory functions; the Agency has primary responsibility for administration of the Act and the Board's regulations, including today's proposed regulation.

By today's action, the Board is adopting the proposed amendments for the purpose of second notice, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 et seq. (1994)). This matter will now be filed with the Joint Committee on Administrative Rules (JCAR) for consideration by that body.