

ILLINOIS POLLUTION CONTROL BOARD
December 16, 2010

IN THE MATTER OF:)
RCRA SUBTITLE C UPDATE, USEPA) R11-2
AMENDMENTS (January 1, 2010 through) (Identical-in-Substance
June 30, 2010)) Rulemaking - Land)

Proposed Rule. Deadline Extension Order.

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

This matter is before the Board on the Board's own motion. The Board finds that extension of the deadline for filing of amendments in this matter until July 1, 2011 is necessary. By this order the Board extends the deadline for adoption of the pending amendments and sets forth the reasons for delay.

ORIGINAL ACTION SCHEDULE

The due date for this proceeding was based on the earliest federal amendments included in this rulemaking, the January 8, 2010 amendments to the hazardous waste export rule. Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2008)). 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 January 8, 2011. To accomplish this deadline, the Board would have had to adhere to the following schedule of intermediate occurrences:

Due date:	January 8, 2011
Proposal adopted date:	September 16, 2010
Publication submission deadline:	September 27, 2010
<i>Illinois Register</i> publication date:	October 8, 2010
End of 45-day public comment period:	November 22, 2010
Adoption date:	December 2, 2010
End of 30-day holding period:	January 3, 2011
Possible filing and effective date:	January 7, 2011
Possible <i>Illinois Register</i> publication date:	January 21, 2011

REASONS FOR DELAY AND EXTENSION OF DEADLINE

The Board has encountered delays in initiating development of a proposal for public comment in this matter. This was due to the delays in adopting the amendments in the prior RCRA Subtitle C update, RCRA Subtitle C Update, USEPA Amendments (July 1, 2008 through December 31, 2008 and June 15, 2010), R09-16, RCRA Subtitle C Update, USEPA Amendments (January 1, 2009 through June 30, 2009), R10-4 (consolidated) (October 7, 2010) (filed and effective on November 12, 2010), and the federal Safe Drinking Water Act update

docket, SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009), R10-1; SDWA Update, USEPA Amendments (July 1, 2009 through December 31, 2009), R10-17; and SDWA Update, USEPA Amendments (January 1, 2010 through June 30, 2010), R11-6 (December 2, 2010) (consolidated) (filed and effective December 6, 2010).

For the foregoing reasons, the Board finds that delay was unavoidable and an extension of the deadline for completion of these amendments is necessary until July 1, 2011. To fulfill this deadline, the Board must adhere to the following schedule of intermediate occurrences:

Due date:	July 1, 2011
Date of Board vote to propose amendments:	February 17, 2011
Submission for <i>Illinois Register</i> publication:	February 28, 2011
Probable <i>Illinois Register</i> publication date:	March 11, 2011
Probable End of 45-day public comment period:	April 25, 2011
Date of Board vote to adopt amendments:	May 19, 2011
End of 30-day hold period for USEPA review:	June 20, 2011
Probable filing and effective date:	June 27, 2011
Probable <i>Illinois Register</i> publication date:	July 8, 2011

At present, the Board hopes to assemble the necessary proposal for public comment more rapidly than the times projected above—perhaps as early as January 2011. This would allow the Board to complete the rulemaking activities early as May 2011. However, to accommodate the unanticipated possibility for further delay, the Board extends the deadline for final action until July 1, 2011. This will allow the Board to vote to propose the amendments as late as the regularly-scheduled meeting of February 17, 2011.

The Board hereby extends the deadline for completion of this rulemaking under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2008)). 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, which sets forth reasons for delay and extends the due date for this proceeding.

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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 16, 2010, by a vote of 5-0.

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.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board