



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

July 11, 2016

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 40, Issue 29 of the Illinois Register, dated 7/15/2016.

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

Notice of Public Information

Point of Contact: Mike McCambridge

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If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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STATE OF ILLINOIS
Pollution Control Board

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NOTICE OF PUBLIC INFORMATION

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] requires the Board to adopt regulations that are “identical in substance” to U.S. Environmental Protection Agency (USEPA) hazardous waste rules adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2008)). These rules are contained in 35 Ill. Adm. Code 701 through 705, 720 through 728, 733, and 739.

Section 7.2(a) of the Act [415 ILCS 5/7.2(a)] requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) [415 ILCS 5/7.2(b)] allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

By an order dated June 16, 2016, the Board set forth reasons for delay and extended the deadline for final action on the amendments from June 30, 2016 to August 12, 2016. That order stated in significant part as follows:

DUE DATE AND EXTENSION OF DEADLINE

By an order dated December 22, 2015, the Board extended the deadline for completion of the present amendments from January 13, 2016 until June 30, 2016. The Board stated two reasons for the delay: (1) the volume and complexity of the underlying USEPA amendments; and (2) USEPA’s submission of comments based on its periodic review for federal authorization of the Illinois RCRA Subtitle C regulations.

The Board now finds that completing the amendments before June 30, 2016 is not possible. The Board finds that additional time is needed to complete the amendments.

In addition to the reasons recited in the order dated December 22, 2015, the Board adds three additional reasons for delay. First, the number of suggested JCAR corrections to the text is extreme. The Board counts more than 300 JCAR suggestions in the nearly 800 pages of text. The Agency and USEPA collectively offered another nearly 50 suggestions. Second, the substantive comments required considerable review and deliberation. Finally, the substantive comments received by the Board prompted the Board to seek comment from USEPA, and the Board allows USEPA additional time for USEPA review to evaluate the substantive comments.

The Board today adopts amendments based on the March 3, 2016 proposal for public comment. The Board will submit these amendments to USEPA. After allowing USEPA 30 days to review the amendments, the Board will file the

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adopted amendments with the Office of the Secretary of State. The Board therefore extends its deadline to complete these rules to allow for a 30-day USEPA review period and publication in the *Illinois Register*. See 415 ILCS 5/7.2(b) (2014). The Board estimates that these steps will be completed by August 12, 2016.

Direct inquiries as follows, referencing consolidated docket R16-7:

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