

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1990

IN THE MATTER OF:)
)
USED AND WASTE TIRE REGULATION) R90-9
(35 ILL. ADM. CODE 848)) (Rulemaking)

ORDER OF THE BOARD (by J. Marlin):

On April 6, 1990, the Illinois Environmental Protection Agency (Agency) filed a proposal for rulemaking pursuant to Section 55.2(a) of the Environmental Protection Act (Act). Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, par. 1055.2, as amended by P.A. 86-452. This proposal by the Agency sets forth provisions for the regulation of disposal and storage of used and waste tires. Section 55.2 of the Act requires the Agency to submit such a proposal by July 1, 1990 and that the Board adopt such proposal pursuant to Sections 27 and 28 of the Act within one year. This proposal for rulemaking is accepted for hearing with directions to the Hearing Officer.

A preliminary review of this proposal by the Board and its staff reveals that, while on the whole this proposal comports with the requirements of the Board's proposed R88-5B rules, there are a few Sections of the proposal which do not conform with certain content and drafting requirements of the Illinois Administrative Procedure Act and implementing regulations adopted by the Secretary Of State and the Joint Committee on Administrative Rules (as codified at 1 Ill. Adm. Code 100 et seq. and 200 et seq.). For example, Sections 848.104 and 502-506 all contain statutory language without including citations to the Act. Also, Section 848.201 is confusing and contains redundancies. Therefore, the Board directs the Hearing Officer to order the Agency to submit amendatory language to correct these deficiencies prior to holding a hearing on this proposal for rulemaking. However, given the small number of amendments required, the Hearing Officer may schedule hearing in advance of receipt of the amended language, provided that amended language is available well in advance of hearing.

The Board also notes that acceptance of this proposal for hearing begins the calculation of time, pursuant to Section 28 of the Act, during which the Board must determine whether or not an Economic Impact Study is necessary for this proposal.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24 day of April, 1990, by a vote of 7-6.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board