

ILLINOIS POLLUTION CONTROL BOARD

May 21, 1998

IN THE MATTER OF:)
)
NONHAZARDOUS SPECIAL WASTE) R98-29
HAULING AND THE UNIFORM PROGRAM:) (Rulemaking - Land)
35 ILL. ADM. CODE 809)

ORDER OF THE BOARD (by J. Yi):

On May 8, 1998, the Board received a proposal for amendments (Prop.) to 35 Ill. Adm. Code 809 filed by the Illinois Environmental Protection Agency (Agency). The proposal indicates that the amendments are necessary to comply with Senate Bill 378 enacted as Public Act 90-219 on July 25, 1997, which amended Sections 21, 22.2, and 44 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/1 et. seq. (1998)). As enacted, Senate Bill 378 requires the Agency to implement the Uniform State Hazardous Material Transportation Registration and Permit Program (Uniform Program). The Agency has also proposed amendments to Parts 729, 808, 811, and 855 in order to consistently reflect the proposed changes to Part 809.

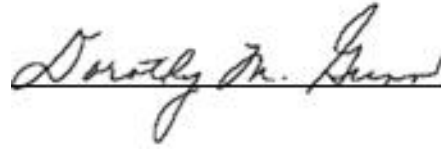
The Agency filed a motion regarding incorporations by reference concurrent with the proposal. The motion requests the Board waive the requirement of 35 Ill. Adm. Code 102.121(f) that copies of material to be incorporated by reference be submitted with this regulatory proposal. Specifically, the Agency asks that parts 171, 172, 177, 178, and 180 of Title 40 of the Code of Federal Regulations (C.F.R.) not be submitted. The Agency states that copies of the referenced parts of the C.F.R. are in the Board's possession, and that copy costs would be excessive considering the Board already has the documents. This motion is granted. The above referenced parts of the C.F.R. need not be submitted with the proposed regulations.

The proposed amendments to Parts 729, 808, 809, and 811 are accepted for hearing. However, Part 855 contains rules adopted by the Agency. Any amendment to that Part must be promulgated by the Agency. The Board therefore strikes that portion of the proposal seeking to amend Part 855. The Board finds that the remainder of this proposal meets the information requirements of 35 Ill. Adm. Code 102.121 and 102.141, and will proceed to hearing.

Copies of this order, the proposed rules, and any hearing officer order may be requested in writing from the Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601, via telephone at 312/814-3461, or via facsimile at 312/814-3669.

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 21st day of May 1998 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board