

ILLINOIS POLLUTION CONTROL BOARD
August 31, 1989

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R89-1
(8-1-88 THROUGH 12-31-88))

ORDER OF THE BOARD (by J. Anderson):

Section 22.4(a) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA hazardous waste rules adopted pursuant to the Resource Conservation and Recovery Act (RCRA). The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of the federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. It appears that the regulations in this Docket may be late. The Board is therefore entering this Order to extend the time.

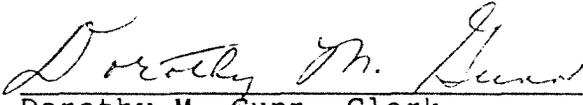
Under Section 7.2 of the Act, Board action on this update is required within one year after adoption of the first USEPA rule in the batch. This was August 17, 1988 for this batch. Board action was therefore required by August 17, 1989. Since the public comment period ended on August 14, there was little time to consider these comments, in particular a large public comment received August 7, which will at least delay final action due to the time required to consider the issues. The Board anticipates that these rules will be adopted in September, 1989.

The Board also notes that the number of federally-driven programs involving large blocks of rules has suddenly expanded from two (RCRA and UIC) to at least five (by addition of Pretreatment, UST, and SDWA). The Board has recently received added funding for expansion of staff to manage these large rulemakings; the Board believes that it will be able to return to schedule as its expanded staff gains experience.

The Board directs that these reasons be published in the Illinois Register pursuant to Section 7.2 of the Act.

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 31st day of August, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board