

ILLINOIS POLLUTION CONTROL BOARD
May 14, 1987

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R87-5
(10-1-86 THROUGH 12-31-86))

PROPOSAL FOR PUBLIC COMMENT

PROPOSED ORDER OF THE BOARD (by J. Anderson):

Pursuant to Section 22.4(a) of the Environmental Protection Act (Act), the Board is proposing to amend the RCRA regulations. In accordance with the RCRA procedural rules (Section 102.202), the Board invites public comment for 45 days after publication of the proposal in the Illinois Register.

On March 19, 1987 the Board opened this docket for the purpose of updating the RCRA rules to agree with recent USEPA amendments.

Section 22.4 of the Act governs adoption of regulations establishing the RCRA program in Illinois. Section 22.4(a) provides for quick adoption of regulations which are "identical in substance" to federal regulations; Section 22.4(a) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR). The federal RCRA regulations are found at 40 CFR 260 through 270, and 280. This rulemaking updates Illinois' RCRA rules to correspond with federal amendments during the period October 1 through December 31, 1986.

The proposal is attached to this Proposed Order for public distribution. A major portion of this rulemaking amends language which is subject to amendment in R86-46. It is not possible to prepare a strike and underline text for these provisions. Therefore, for purposes of this Proposed Order, the Board has summarized changes without setting out the full text. Because of its length, the text of the rules will not be published in the Environmental Register and will not appear in the Opinion volumes. However, the entire text will appear in the Illinois Register in the near future. The Board will allow a full 45 days for public comment after the complete text appears in the Illinois Register.

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 14th day of May, 1987, by a vote of 6-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board