

ILLINOIS POLLUTION CONTROL BOARD
June 20, 2024

IN THE MATTER OF:)
)
RCRA SUBTITLE C UPDATE, USEPA) R21-13
AMENDMENTS (July 1, 2020 through) (Identical-in-Substance Rulemaking - Land)
December 31, 2020))
)
RCRA SUBTITLE C UPDATE, USEPA) R22-13
AMENDMENTS (July 1, 2021 through) (Identical-in-Substance Rulemaking - Land)
December 31, 2021))
)
) R24-4
RCRA SUBTITLE C UPDATE, USEPA) (Identical-in-Substance Rulemaking - Land)
AMENDMENTS (January 1, 2023 through)
June 30, 2023))

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by M. Gibson and J. Van Wie):

SUMMARY OF THIS ACTION

The Board today adopts amendments to Illinois regulations that are “identical in substance” to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA) in the second halves of 2020, 2021, and the first half of 2023.

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (2022)) requires the Board to adopt hazardous waste rules that are identical-in-substance (IIS) to USEPA’s Resource Conservation and Recovery Act (RCRA) Subtitle C rules (42 U.S.C. § 6921 et seq. (2022)). Section 22.4(a) requires the Board to use the IIS rulemaking procedure of Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2022)). Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2022)) do not apply to the Board’s adoption of IIS regulations.

The Board adopted a proposal for public comment on March 7, 2024. The Notices of Proposed Amendments appeared in the March 29, 2024 *Illinois Register*, as follows: Part 705 at 48 Ill. Reg 4715, Part 720 at 48 Ill. Reg 4726, Part 721 at 48 Ill. Reg 4830, Part 722 at 48 Ill. Reg 4849, Part 724 at 48 Ill. Reg 4895, Part 725 at 48 Ill. Reg 4914, and Part 726 at 48 Ill. Reg 4933. The 45-day public comment period ended May 13, 2024, the first business day following the deadline.

The Board today adopts the rules with no changes from those proposed for public comment.

DISCUSSION

The Board will not reiterate its discussion of the March 7, 2024 proposal for public comment in this opinion. Please *see* RCRA SUBTITLE C UPDATE, USEPA AMENDMENTS (July 1, 2020 through December 31, 2020), R21-13 (consld.), USEPA AMENDMENTS July 1, 2021 through December 31, 2021), R22-13, USEPA AMENDMENTS January 1, 2023 through June 30, 2023) (Proposal for Public Comment), R24-4 (March 7, 2024).

The Board received one request during the public comment period. The Joint Committee on Administrative Rules sought clarification of the Board's procedures for consolidating multiple rulemakings under Section 7.2 of the Act (415 ILCS 5/7.2 (2022)). The Board explained that consolidating multiple rulemakings (i.e., covering different six-month periods) are procedural steps designed to facilitate public participation, coherent discussion, and promote efficiency in the IIS rulemaking process.

The Board received no other suggestions or comments on the amendatory language. Therefore, the Board will proceed to adoption of these IIS rules, making no changes to the rule language.

ORDER

The Board directs the Clerk to provide notice in the *Illinois Register* of the appended adopted amendments to the Illinois Resource Conservation and Recovery Act.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 20, 2024, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board