

ILLINOIS POLLUTION CONTROL BOARD
January 20, 1994

IN THE MATTER OF:)
)
RCRA SUBTITLE C UPDATE, USEPA) (Identical in Substance Rules)
REGULATIONS (1-1-93 THROUGH)
6-30-93))

R93-16

EXTENSION OF TIME.

ORDER OF THE BOARD (by E. Dunham):

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a)) requires the Board to adopt regulations which are "identical in substance" with USEPA rules adopted to implement Subtitle C of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended (RCRA). The term "identical in substance" has 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 federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. It appears that adoption of the regulations in this Docket will be late. The Board is therefore entering this Order to extend the time.

The USEPA RCRA rules are located at 40 CFR 260 et seq. These have been the subject of five recent amendments: 58 Fed. Reg. 8658 (Feb. 16, 1993), 58 Fed. Reg. 14317 (Mar. 17, 1993); 58 Fed. Reg. 26420 (May 3, 1993); 58 Fed. Reg. 28506 (May 14, 1993); and 58 Fed. Reg. 29860 (May 24, 1993). The federal amendments of February 16, 1993 involved the corrective action management unit (CAMU) and temporary unit (TU) regulations applicable to RCRA Subtitle C corrective actions. The federal amendments of March 17, 1993 involved amendments to the land disposal restrictions for Third Third wastes. The federal amendments of May 3, 1993 were technical amendments to the used and waste oil management standards. The federal amendments of May 14, 1993 constituted the renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris. In the federal amendments of May 24, 1993, the land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated.

The Board adopted a proposal for public comment on December 16, 1993. Notices of proposed amendments appeared in the Illinois Register on January 14, 1994, at 18 Ill. Reg. 337 (Part 720), 357 (Part 721), 377 (Part 725), 388 (Part 728), 406 (Part 702), 419 (Part 703), 439 (Part 724), and 455 (Part 739). The statutory public comment period will therefore expire on February 28, 1994.

The Board hereby finds that an extension of time is necessary. The presently-anticipated completion date for this

proceeding is at the Board meeting of March 3 or 17, 1994, to be followed by a minimum 30-day post-adoption delay in filing to allow U.S. EPA to comment on the Board-adopted amendments. The reasons for delay are as follows:

The prior RCRA Subtitle C update rulemaking, R93-4, was unusually complex and lengthy, involving over 600 pages of rules text, and the resulting delay in adopting and filing that proceeding resulted in a delay in initiating this matter. The Board had to await finalization of our electronic text of the R93-4 amendments, as filed, to begin this proceeding; many of the Sections involved in R93-4 are also involved in this update docket. Additionally, changes in membership of the Board effective November 15, 1993 resulted in a reassignment of responsibility for this program to a new Board member.

Pursuant to Section 7.2(b) of the Act, the Board will submit a copy of the text of this order for publication in the Illinois Register as expeditiously as possible.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 20th day of January, 1994, by a vote of 7-6.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board