

ILLINOIS POLLUTION CONTROL BOARD  
September 7, 2006

IN THE MATTER OF:	)	
	)	
UIC UPDATE, USEPA AMENDMENTS	)	R06-16
(July 1, 2005 through December 31, 2005)	)	(Identical-in-Substance
	)	Rulemaking - Land)
RCRA SUBTITLE D UPDATE, USEPA	)	R06-17
AMENDMENTS (July 1, 2005 through	)	(Identical-in-Substance
December 31, 2005)	)	Rulemaking - Land)
RCRA SUBTITLE C UPDATE, USEPA	)	R06-18
AMENDMENTS (July 1, 2005 through	)	(Identical-in-Substance
December 31, 2005 and March 23, 2006)	)	Rulemaking - Land)
	)	(Consolidated)

ORDER OF THE BOARD (by G.T. Girard):

This matter is before the Board on the Board's own motion. The Board finds it necessary to further extend the deadline for ultimate filing of amendments in this matter until December 6, 2006. By this order the Board extends the deadline for adoption of the pending amendments and sets forth the reasons for delay.

The due date for this proceeding was based on the earliest federal amendments included in this rulemaking, the August 5, 2005 federal mercury-containing device amendments to the Universal Waste Rule. Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2004)). The due date for filing the completed amendments is one year from that date, so the Board must file the amendments with the Office of the Secretary of State before August 5, 2006. To accomplish this deadline, the Board must have voted to adopt the amendments before July 5, 2006, in order to allow the required 30-day period for the United States Environmental Protection Agency (USEPA) to review the amendments before they are filed. This would have required adoption by the Board at the regularly scheduled meeting of June 15, 2006.

By an order dated June 1, 2006, the Board extended the deadline until September 14, 2006. The Agency had requested that the Board extend the public comment period until June 30, 2006. If the Board was to allow added time until June 30, 2006, for the Agency to submit its comments, the Board had to extend the deadline for Board adoption of the amendments as provided in Section 7.2(b) of the Act. The Board then believed that an extension until September 14, 2006 would be sufficient. This would have allowed the Board until August 9, 2006, to evaluate the Agency comments and vote to adopt the amendments, and the 30-day period for USEPA review would have ended on September 11, 2006. The Board projected that the earliest time for completion of this proceeding and filing of the adopted amendments with the Office of the Secretary of State would be September 14, 2006.

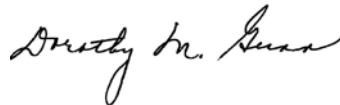
The Board has been evaluating the June 30, 2006 Agency comments, and more time than the Board estimated is necessary to evaluate the comments. When the Board made its original estimate of the time needed to evaluate the comments, the comments had not been filed. The comments are far more extensive than expected.

At present, the Board hopes to vote to adopt amendments based on the April 6, 2006 proposal for public comment at the regularly scheduled Board meeting of September 21, 2006 or October 5, 2006. After holding the amendments for 30 days to allow USEPA to review them before they are filed, the earliest date for filing the amendments with the Office of the Secretary of State will be October 25, 2006 or November 8, 2006. However, to accommodate the unanticipated possibility for further delay, the Board will extend the deadline for final action until December 6, 2006, which would allow the Board to vote to amend the amendments as late as the regularly-scheduled meeting of November 2, 2006.

The Board hereby extends the deadline for completion of this rulemaking under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2004)). The Board also directs staff to cause publication of a Notice of Public Information on Proposed Rules in the *Illinois Register*, based on this order, that sets forth reasons for delay and extends the due date for this proceeding.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 7, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board