

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1990

IN THE MATTER OF:)
)
RCRA UPDATE, USEPA REGULATIONS) R89-9
(1-1-89 THROUGH 6-30-89)) (Rulemaking)

ORDER OF THE BOARD (by J. Anderson):

The Board adopted a proposed Opinion and Order in this matter on December 6, 1989. The proposed regulations appeared on January 5, 1990, at 14 Ill. Reg. 120.

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) 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. The Board is entering this Order to extend the time.

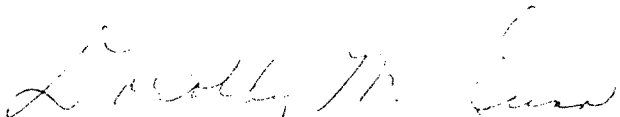
Under Section 7.2 of the Act, Board action on this update is required within one year after adoption of the first USEPA rule in the batch. As is detailed in the December 6, 1989 Opinion, the earliest Federal Registers were January 6, 27 and 30, 1988. As also noted in the Opinion, the first two of these may not result in any change to the Board rules. Action is therefore due by January 30, 1990, and possibly earlier, depending on the comment received in R89-9. The comment period will end on approximately February 20, 1990. The next Board meeting will be February 22, 1990. It will therefore be necessary to extend the decision date in this matter.

As noted in the "reasons for delay" Order entered in R89-1 on August 31, 1989, the number of federally-driven programs requiring adoption of large blocks of rules has expanded from two (RCRA and UIC) to five (including Pretreatment, UST and SDWA). In the last year the Board has devoted substantial resources to initial adoption of two large new programs (UST and SDWA), and to an unusually large RCRA update (R89-1). The Board has recently received 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 17th day of January, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board