

Board Adopts Second Notice for Proposed New Rules for Temporary Waiver of Landfill Ban for Electronic Devices

On April 19, 2012, the Board adopted a second notice opinion and order for proposed new procedural rules for petitions filed with the Board for temporary waivers of the landfill ban under Section 95 of the Electronic Products Recycling and Reuse Act (EPRRA). The rulemaking is docketed as In the Matter of: Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act. New 35 Ill. Adm. Code 106.Subpart J (R12-21).

The General Assembly first adopted EPRRA in 2008. In 2011, the General Assembly enacted amendments including a revised definition of “covered electronic device” (CED) and a revised landfill ban. Section 95(e) of EPRRA addresses issues including contents of a petition for a temporary landfill ban waiver, criteria for Board consideration of a petition, the Board’s decision deadline, appeal of Board orders denying temporary landfill ban waivers, and implementation of waivers. The proposed new 35 Ill. Adm. Code 106.Subpart J implements these provisions and follows the general format of other subparts of Part 106.

Because the Board is not required to hold a public hearing on proposed amendments to its procedural rules, the Board has not and does not now intend to hold a hearing on these proposed rules. The Board did not receive a comment during the first-notice comment period. The Board will submit its first-notice proposal without substantive amendments for second notice review by the Joint Committee on Administrative Rules.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk’s office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

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