



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

March 15, 2022

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 46, Issue 12 of the Illinois Register, dated 3/18/2022.

PROPOSED RULES

General Program (Repealer)	
35 Ill. Adm. Code 1500	4575
Point of Contact: Shannon Bilbruck	
Drycleaner Environmental Response Trust Fund Program	
35 Ill. Adm. Code 1501	4621
Point of Contact: Shannon Bilbruck	

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: General Information
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1500.10	Repealed
1500.20	Repealed
1500.30	Repealed
1500.40	Repealed
1500.50	Repealed
1500.55	Repealed
1500.60	Repealed
1500.70	Repealed
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to the 2019 amendments to the Drycleaner Environmental Response Trust Fund Act (“DERT Fund Act”), 415 ILCS 135, as of July 1, 2020, the Illinois Environmental Protection Agency (“Illinois EPA”) has responsibility for the implementation of the DERT Fund Act and administration of the Drycleaner Environmental Response Trust Fund (“DERT Fund”), replacing the previous administrator - the Drycleaner Environmental Response Trust Fund Council (“Council”). The Illinois EPA is currently following the rules set in place by the Council at 35 Illinois Administrative Code 1500.10 to 1500.70. The Illinois EPA proposes to repeal 35 Ill. Adm. Code Part 1500 in its entirety and proposes the simultaneous adoption and replacement of those regulations with a new 35 Ill. Adm. Code Part 1501, which would incorporate the Illinois EPA’s authorities and clarify its duties and responsibilities under the DERT Fund Act. The proposal also requests simultaneous repeal of the Freedom of Information Act (“FOIA”) rules adopted by the Council and set forth in 2 Ill. Adm. Code Part 3100, since the Board and Illinois EPA already have such FOIA rules in place.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed repealer replace an emergency rule currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No

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NOTICE OF PROPOSED REPEALER

- 9) Does this proposed repealer contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the Illinois Register. Public comments should refer to Docket R21-19 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may download copies of the Board's opinions and orders in R21-19 from the Board's Web site at pcb.illinois.gov and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board expects that this rulemaking will not have an adverse impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2021

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Drycleaner Environmental Response Trust Fund Program
- 2) Code Citation: 35 Ill. Adm. Code 1501
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1501.100	New Section
1501.110	New Section
1501.120	New Section
1501.130	New Section
1501.150	New Section
1501.160	New Section
1501.170	New Section
1501.180	New Section
1501.190	New Section
1501.195	New Section
1501.200	New Section
1501.210	New Section
1501.220	New Section
1501.230	New Section
1501.300	New Section
1501.310	New Section
1501.320	New Section
1501.330	New Section
1501.340	New Section
1501.350	New Section
1501.360	New Section
1501.400	New Section
1501.410	New Section
1501.420	New Section
1501.430	New Section
1501.440	New Section
1501.450	New Section
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135] and Sections 27 & 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to the 2019 amendments to the Drycleaner Environmental Response Trust Fund Act (“DERT Fund Act”), 415 ILCS 135, as of July 1, 2020, the Illinois Environmental Protection Agency

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("Illinois EPA") has responsibility for the implementation of the DERT Fund Act and administration of the Drycleaner Environmental Response Trust Fund ("DERT Fund"), replacing the previous administrator - the Drycleaner Environmental Response Trust Fund Council ("Council"). The Illinois EPA is currently following the rules set in place by the Council at 35 Illinois Administrative Code 1500.10 to 1500.70. The Illinois EPA proposes to repeal 35 Ill. Adm. Code Part 1500 in its entirety and proposes the simultaneous adoption and replacement of those regulations with a new 35 Ill. Adm. Code Part 1501, which would incorporate the Illinois EPA's authorities and clarify its duties and responsibilities under the DERT Fund Act. The proposal also requests simultaneous repeal of the Freedom of Information Act ("FOIA") rules adopted by the Council and set forth in 2 Ill. Adm. Code Part 3100, since the Board and Illinois EPA already have such FOIA rules in place.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the Illinois Register. Public comments should refer to Docket R21-19 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Yes. This rule will require drycleaner owners and operators to maintain records and report compliance in a similar manner to the repealed Part 1500. Additional compliance requirements are to be addresses in an open subdocket.
 - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board expects that this rulemaking will not have an adverse impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2021

The full text of the Proposed Amendments begins on the next page: