

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

a) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board setting forth regulations that will incorporate the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for certain area sources, including but not limited to gasoline dispensing facilities.
- B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that would fall under the

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classification of a gasoline dispensing facility and other area source NESHAPs.

- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
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carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
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- b) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Open Burning (35 Ill. Adm. Code 237)

- 1) Rulemaking: No docket presently reserved.

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- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal or proposals to file with the Board setting forth regulations that will address recently adopted legislation allowing for the Agency to issue/authorize Permits-by-Rule and General Permits. In addition, as part of proposing Permits-by-Rule for certain types of burning, the Agency is also planning to propose amendments that provide consistency between the Act and Part 237.
- B) Statutory authority: Implementing Sections 10, 39.10 and 39.12 of the Environmental Protection Act [415 ILCS 5/10, 39.10 and 39.12] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that elects to obtain a general permit or permit by rule. The proposal is not anticipated to mandate that an owner or operator obtain either a Permit-By-Rule or a general permit that applies to a particular type of source.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

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- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

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- c) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

- 1) Rulemaking: Docket number R14-17

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal

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“Recommended Policy on the Control of Volatile Organic Compounds” (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board reserved this docket to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2013 through December 31, 2013. At this time, the Board is aware of one federal action during this update period that affected the federal definition of VOM:

October 22, 2013 (78 Fed. Reg. 62451)

Description of the USEPA action: USEPA adopted one new exemption from the definition of VOM. The newly exempted compound is 2,3,3,3-tetrafluoropropene (HFO-1234yf). USEPA exempted this compound due to its negligible reactivity to produce tropospheric ozone. This compound can be used as a refrigerant in refrigeration and air conditioning systems.

Prospective necessary Board action in response: The Board must incorporate this exemption into the Illinois definition of VOM.

The Board will verify the existence of any other federal actions that may affect the federal definition of VOM and determine the Board action required in response. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss this docket, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: A hearing will be scheduled, as required by Section 110(a) of the federal Clean Air Act (42 USC § 7410(a)) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking will be published in the *Illinois Register* to allow the Board to accept public comments for 45 days before adoption.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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Address questions concerning this regulatory agenda, noting this docket number, as follows:

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is planned at this time.

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Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- d) Parts (Headings and Code Citations): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)
- 1) Rulemaking: No docket presently reserved.
 - A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to add relevant applicability provisions to explicitly address PM_{2.5} and related precursor compounds.
 - B) Statutory authority: Implementing Sections 9.1 and 10 and authorized by Section 27 and Section 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27 and 28.5].
 - C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

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- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 203.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking:

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- G) Related rulemakings and other pertinent information:
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e) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)

Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to revise the methods for measuring filterable and condensable PM10 and to add methods for measuring filterable and condensable PM2.5. The rulemaking may also include necessary clean-up language and updates throughout Part 212.
- B) Statutory authority: Implementing Section 10 and authorized by Section 27 and Section 28 of the Environmental Protection Act [415 ILCS 5/10 and 27 and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 212.

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- F) Agency contact person for information: Address comments concerning the substance of the rulemaking:

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- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

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- f) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)

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Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

- 1) Rulemaking: No docket presently reserved.
 - A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will “clean up” various errors and outdated portions of the rules found in Parts 218 and 219. The exact changes to be made have not yet been determined, but they shall all be considered routine. Part 211 shall be modified as necessary to accommodate any revised definitions.
 - B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
 - C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
 - D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
 - E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that relies on the portions being amended. Again, however, this rulemaking is designed to be a routine clean up of the rules.

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- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

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- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

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- g) Parts (Headings and Code Citations): Standards and Limitations for Certain Sources of Lead (35 Ill. Adm. Code 226) (New Part)

- 1) Rulemaking: Docket R14-19

- A) Description: On November 19, 2013, the Agency filed a rulemaking proposal to meet requirements of the Clean Air Act and federal regulations pertaining to sources of lead emissions in areas designated as

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nonattainment with respect to the lead National Ambient Air Quality Standards (NAAQS).

- B) Statutory Authority: Implementing and authorized by Sections 10, 27 and 28.2 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28.2]
- C) Scheduled meeting/hearing dates: Hearings are scheduled in Chicago on January 8, February 5, and February 19, 2014.
- D) Date agency anticipates First Notice: A Notice of Proposed Rule was published in the *Illinois Register* on December 6, 2013.
- E) Effect on small businesses, small municipalities or not for profit corporations: Any nonferrous metal production facility in a nonattainment area would be affected by this proceeding.
- F) Agency contact person for information: Address questions concerning this regulatory agenda to:

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- G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

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- h) Part (Heading and Code Citation): Air Quality Standards (35 Ill. Adm. Code 243)

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- 1) Rulemaking: Docket number R14-16
- A) Description: P.A. 97-945 added Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] effective August 10, 2012. This new provision mandates that the Board adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA pursuant to section 109 of the federal Clean Air Act (42 USC § 7409). USEPA has codified the primary and secondary NAAQS at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead). Various other federal regulations relate to aspects of the NAAQS, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating air quality monitoring regions and setting forth their attainment/non-attainment status.

The Board has reserved this docket to accommodate any federal amendments to the NAAQS that USEPA may make during the period July 1, 2013 through December 31, 2013. At this time, the Board is aware of three federal actions during this update period that affected the NAAQS:

July 3, 2013 (78 Fed. Reg. 40000)

Description of the USEPA action: USEPA amended appendix G to 40 C.F.R. 50 to establish a new FRM for measuring lead in total suspended particulate matter for the purposes of the lead NAAQS.

Prospective necessary Board action in response: The Board updated the incorporation by reference to appendix G to 40 CFR 50 based on this USEPA action in National Ambient Air Quality Standards, USEPA Amendments (January 1, 2013 through June 30, 2013, July 3, 2013, and August 5, 2013), R14-6 (Nov. 21, 2013). No further action is required.

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August 5, 2013 (78 Fed. Reg. 47191)

Description of the USEPA action: USEPA adopted area designations for the 2010 primary one-hour NAAQS for SO₂. USEPA designated the Pekin and Lemont areas as non-attainment for the NAAQS effective October 4, 2013.

Prospective necessary Board action in response: The Board included a minor amendment based on this USEPA action in National Ambient Air Quality Standards, USEPA Amendments (January 1, 2013 through June 30, 2013, July 3, 2013, and August 5, 2013), R14-6 (Nov. 21, 2013). No further action is required.

October 2, 2013 (78 Fed. Reg. 60704)

Description of the USEPA action: USEPA adopted area attainment designations for an area in Illinois for the 1997 primary annual average NAAQS for PM_{2.5}.

Prospective necessary Board action in response: There is no sunset provision in any of the PM_{2.5} NAAQS contingent on attainment status, so no amendment will be necessary to note the area designation.

The Board will verify the existence of any other federal actions that may affect the federal NAAQS and determine the Board action required. The Board will then include that action in this docket to make the Illinois ambient air quality standards identical-in-substance to the federal NAAQS in this docket, as necessary and appropriate.

Section 10(H) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time.

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- D) Date agency anticipates First Notice: The Board cannot project a date for publication at this time.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting this docket number, as follows:

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First

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Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

i) Parts (Heading and Code Citations):

Water Quality Standards (35 Ill. Adm. Code 302)
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: No docket presently reserved.

- A) Description: Illinois is required under the Clean Water Act to respond to the publication of USEPA's Recreational Criteria document by changing its bacteria water quality standards to correspond to the national criteria. This will require the Agency to convert the current standards to utilize E. Coli bacteria as the indicator organism rather than the existing fecal coliform. Water quality standards for General Use and Lake Michigan waters will be updated. Consideration will also be given to the updating of Public and Food Processing Water Supply intake water quality standards. Current effluent standards for fecal coliform bacteria may be updated to convert to E. coli bacteria.
- B) Statutory Authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]
- C) Scheduled meeting/hearing dates: There will be meetings scheduled with stakeholders before proposing a rulemaking package with the Board. No hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An Agency submittal to the Board would commence this proceeding, and the Agency anticipates filing a proposal within the next six months. After filing the proposal, the Board will cause a Notice of Proposed rule to appear in the *Illinois Register*.

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E) Affect on small businesses, small municipalities or not for profit corporations: The change to E. coli will not result in any increased costs to small businesses, small municipalities, or not for profit corporations, as Illinois EPA intends to file the rulemaking at this juncture. The tests required to monitor E. coli are more-or-less equivalent to those for fecal coliform and therefore no additional costs would be incurred by holders of NPDES permits. Illinois EPA intends to propose E. coli water quality standards that include the existing provisions for disinfection exemption that many small NPDES permitted facilities currently have obtained. Disinfection exemptions result in a significant cost savings for many small NPDES permitted facilities. However, at this time stakeholder opinion of retaining disinfection exemptions is not known and USEPA approval of bacteria standards that include disinfection exemptions is not known and these are factors which may change the nature of bacteria standards from the current standing and thus create additional cost for small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information: Address questions concerning this regulatory agenda to:

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G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

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- j) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
- 1) Rulemaking: Docket number R08-9 Subdocket D
- A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.
- In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.
- On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket D will address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.
- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

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- C) Scheduled meeting /hearing date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, 2010, and 2011 in Chicago, Joliet, and Des Plaines. The Board has held 54 days of hearing. Additional hearings were held during the Fall of 2013.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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k) Parts (Heading and Code Citations):

Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: Docket number R13-20

- A) Description: On June 20, 2013, the Agency filed a rulemaking proposing to establish procedures for proceedings brought pursuant to 35 Ill. Adm. Code 304.141(c) and Section 316(a) of the Clean Water Act for alternative thermal effluent limitations.
- B) Statutory Authority: Implementing and authorized by Sections 13, 26 and 28 of the Environmental Protection Act [415 ILCS 5/11, 26 and 28]
- C) Scheduled meeting/hearing dates: Hearings were held in Springfield on August 27, 2013, and in Chicago on October 16, 2013.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments was published in the *Illinois Register* on June 26, 2013.
- E) Effect on small businesses, small municipalities or not for profit corporations: Any small business, small municipality or not for profit corporation seeking to obtain relief from an otherwise applicable thermal effluent limitation pursuant to Section 316(a) of the Clean Water Act and 35 Ill. Adm. Code 304.141(c) would be affected by this proceeding.
- F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Daniel Robertson
Illinois Pollution Control Board

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100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601

(312)814-6931
daniel.robertson@illinois.gov

- G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stefanie Diers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(217) 782-5544
Stefanie.diers@illinois.gov

- 1) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R14-15

- A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any amendments to the federal wastewater pretreatment regulations. Within the next month, the Board will verify the existence of any federal actions, and will propose amendments as necessary.

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Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project a date for publication at this time.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

312-814-6924
Michael.Mccambridge@illinois.gov

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- G) Related rulemakings and other pertinent information: No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- m) Part (Heading and Code Citation): Permits (35 Ill. Adm. Code 309)

- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the permitting requirements for the construction of simple pH adjustment pretreatment systems, cooling towers, oil/water separators and lifetime operating permits for all pretreatment systems and discharges.
- B) Statutory authority: Implementing and authorized by Section 13 of the Environmental Protection Act [415 ILCS 5/13].
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation required to obtain any of the above mentioned permits pursuant to 35 Ill. Adm. Code 309.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Sara Terranova
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(217)782-5544
Sara.Terranova@illinois.gov

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n) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge applied to land.
- B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

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Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: The Agency has stated that it anticipates proposing amendments to its rules entitled “Design Criteria for Sludge Application on Land,” 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the Agency’s development of this proposal, please contact the following Agency attorney:

Stefanie Diers
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(217)782-5544
Stefanie.diers@illinois.gov

Interested persons may also contact the following Agency representative about its prospective rulemaking proposal:

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(217)782-0810

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o) Parts (Heading and Code Citation):

General Provisions (35 Ill. Adm. Code 501)

Permits (35 Ill. Adm. Code 502)

Implementation Program (35 Ill. Adm. Code 504)

1) Rulemaking: Docket number R12-23

- A) Description: On March 1, 2012, the Illinois Environmental Protection Agency (Agency) filed a proposal with the Board to amend Parts 501 and 502 so that they are consistent with, and as stringent as, the current federal CAFO regulations. Additionally, USEPA has indicated that Illinois needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow.
- B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting/hearing dates: Multiple hearings have been held statewide.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking was published in the *Illinois Register* on December 2, 2013.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rule could affect any agri-business that meets the definition of a Concentrated Animal Feeding Operation and discharges to waters of the State.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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Address questions concerning this regulatory agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

Tim.fox@illinois.gov
(312) 814-6085

- G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

tim.fox@illinois.gov
(312) 814-6085

- p) Part (Heading and Code Citation):

Introduction (35 Ill. Adm. Code 601)

Permits (35 Ill. Adm. Code 602)

Ownership and Responsible Personnel (35 Ill. Adm. Code 603)

- 1) Rulemaking: No docket presently reserved.

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- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. This proposal will seek to amend the public water supply rules found in Subtitle F, parts 601, 602, and 603. Within the Subtitle F, two separate parts, part 602 and 652, currently contain regulations governing permitting public water supplies. The Agency plans to propose an amended Part 602 which combines requirements found in both Parts 602 and 652 into one part. The proposed amendments to part 603 will make this part consistent with the Public Water Supply Operations Act. The proposed amendments to part 601 will update the definitions and the incorporations by reference.
- B) Statutory authority: Implementing and authorized by Sections 17, 27 and 28 of the Environmental Protection Act [415 ILCS 5/17, 27 & 28]
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operate a “public water supply”, as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regulatory serves an average of at least 25 individuals daily at least 60 days out of the year. However, it is anticipated that the proceeding will not likely have a quantifiable effect on these entities because the substantive permitting requirements will likely remain unchanged. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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POLLUTION CONTROL BOARD

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John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
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Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Joanne M. Olson
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(217)782-5544
Joanne.olson@illinois.gov

- q) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket number R14-8
- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

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The Board has reserved this docket to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2013 through June 30, 2013. At this time, the Board is aware of one amendment during this update period that affected the federal SDWA national primary drinking water regulations:

February 13, 2013 (78 Fed. Reg. 10270)

Description of the USEPA action: USEPA adopted revisions to the 1989 Total Coliform Rule (TCR), calling it the Revised Total Coliform Rule (RTCR). Unlike the TCR, the RTCR does not specify a maximum contaminant level (MCL) for total coliforms. Instead, the RTCR requires suppliers that detect coliforms in their distribution systems to investigate and eliminate the source of the contamination. USEPA further revised various provisions that reference analytical methods associated with the TCR.

Prospective necessary Board action in response: The Board must incorporate the RTCR into the Illinois regulations.

Within the next month, the Board will verify the existence of any other federal actions that may affect the text of the federal primary drinking water standards and determine the Board action required in response.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the

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Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: A Notice of Proposed Amendments was published in the *Illinois Register* on November 22, 2013.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

312-814-6924
Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative

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Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- r) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket number R14-9
- A) Description: On September 19, 2013, the Illinois Environmental Protection Agency filed a proposed amendment relating to an identical-in-substance provision derived from 40 C.F.R. 141.28(a). The rule requires that a certified laboratory may perform chemical and physical analyses of source water and drinking water for the purposes of demonstrating compliance with the National Primary Drinking Water Regulations. At present, the rule requires that the laboratories be certified and approved by either USEPA or the Agency. This amendment is intended to allow the use of laboratories certified by sister states where the states fulfill certain specified requirements.
- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: Hearings were held in Chicago on November 5, 2013, and in Springfield on November 13, 2013.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments is expected to be published in the *Illinois Register* within the next six months.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at

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least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance. The rule may also affect any laboratory that has been certified by a sister state which has primary enforcement responsibility. The amendment should not have an economic impact, as it does not add standards or controls.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

312-814-6924
Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time.

- s) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: Docket number R14-18

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

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The Board has reserved this docket to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any federal amendments that occurred during this update period.

Within the next month, the Board will verify the existence of any other federal actions that may affect the text of the federal primary drinking water standards and determine the Board action required in response.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

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POLLUTION CONTROL BOARD

JANUARY 2014 REGULATORY AGENDA

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Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, as follows:

Michael J. McCambridge, Attorney
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Chicago, Illinois 60601

312-814-6924
Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- t) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

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1) Rulemaking: Docket number R14-11

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved this docket to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

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- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting this docket number, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

(312)814-6924
Michael.Mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for this reporting period and other, as yet unknown, unrelated Board proceedings may affect the text of 35 Ill. Adm. Code 702, 705, and 720. No other presently known proceeding would affect 35 Ill. Adm. Code 704, 730, 738.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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u) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R14-13

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved this docket to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2013 through December 31, 2013. At this time, the Board is aware of one federal action during this update period that affected the federal RCRA Subtitle C hazardous waste regulations.

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July 31, 2013 (78 Fed. Reg. 46448)

Description of the USEPA action: USEPA adopted conditional exemptions for used solvent wipes. Used solvent wipes that are cleaned are conditionally exempt from the definition of solid waste. Used solvent wipes that are disposed of are conditionally exempt from the definition of hazardous waste.

Prospective necessary Board action in response: The Board must incorporate the exemptions into the Illinois hazardous waste regulations.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

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JANUARY 2014 REGULATORY AGENDA

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting this docket number, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

312-814-6924
Michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: The reserved UIC update docket for this reporting period and other, as yet unknown, unrelated Board proceedings may affect any of 35 Ill. Adm. Code 702, 705, and 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 721 through 728, 733, and 739 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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v) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R14-14

A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved this docket to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any amendments to the federal UST regulations that occurred during this update period.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal amendments that may require Board action. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss this docket if no action is needed.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

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- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting this docket number, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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Michael.Mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other presently known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed

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Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- w) Part (Heading and Code Citations): Petroleum Underground Storage Tanks (Releases Reported On or After June 24, 2002) (35 Ill. Adm. Code 734)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Illinois EPA) is planning to propose conforming amendments to the Board's regulations at Part 734 resulting from amendments to the Board's regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO).
- B) Statutory Authority: Sections 5, 22, 27, and 57.14A of the Environmental Protection Act (Act) [415 ILCS 5/5, 22, 27, 57.14A].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].
- D) Date Agency anticipates First Notice: The Illinois EPA may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, or not-for-profit corporations that are addressing a release of petroleum under the Board's Leaking Underground Storage Tank rules or that seek payment from the Underground Storage Tank Fund.
- F) Agency Contract person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
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Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb
Illinois Pollution Control Board
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carol.webb@illinois.gov

For information regarding the development of these rules please contact:

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Laurence.mraz@illinois.gov

- G) Related rulemakings and other pertinent information: Docket number R11-9: In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.
- x) Part (Headings and Code citation): Site Remediation Program; (35 Ill. Adm. Code 740)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Site Remediation Program (“SRP”) is one of the Illinois Environmental Protection Agency’s (“Illinois EPA”) primary remediation programs for the cleanup of contaminants released to soil or groundwater. Remediation sites from throughout Illinois participate in the SRP. Periodically, it is necessary to amend program rules to account for new scientific data, updated technical references, and necessary administrative changes to the implementation of the rules. To that end, the proposed amendments are intended to ensure that the rules stay current. Additionally, amendments will be included for the new indoor inhalation

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pathway that was adopted in Part 742 in July 2013.

- B) Statutory Authority: Sections 4(i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice: The Illinois EPA anticipates submitting its proposal within the next six months after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation pursuant to the Site Remediation Program. In most cases, participation in the SRP is voluntary, the exception being participation under Board or court orders arising out of enforcement actions.
- F) Agency contract person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
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Address questions concerning this regulatory agenda as follows:

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JANUARY 2014 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: For information regarding the development of these amendments please contact:

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Kim.Geving@illinois.gov

- y) Part (Headings and Code Citation): Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to remove the requirements for non-hazardous special waste manifests to be sent to the Agency except in the case of non-hazardous special waste containing polychlorinated biphenyls.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 21, 22, 22.01, and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, and 27].
- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

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- D) Date Agency Anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation generating or receiving non-hazardous special waste in Illinois.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
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Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
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1021 North Grand Ave. East
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- G) Related Rulemaking and other pertinent information: For information regarding the development of these rules, please contact:

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z) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)

Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)

Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)

Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)

Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Docket number R14-12

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved this docket to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2013 through December 31, 2013. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure, or dismiss this docket if no action is needed.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting this docket number, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
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Michael.Mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.
- aa) Part (Headings and Code Citation): Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) plans to update the Board's regulations to be consistent with legislative amendments to Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1] resulting from Public Act 97-887.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 21.1, 22, 22.40 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22, 22.40 and 27].
- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

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- D) Date Agency Anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation owning or operating a municipal solid waste landfill or other waste disposal operation.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking to:

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Pollution Control Board
100 West Randolph Street, Suite 11-500
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Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
Springfield, Illinois 62794

Carol.webb@illinois.gov

- G) Related Rulemaking and other pertinent information: For information regarding the development of these rules, please contact:

Laurence Mraz
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bb) Part (Headings and Code Citation):

Procedural Requirements for Permitting Compost Facilities (35 Ill. Adm. Code 832)

Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

- 1) Rulemaking: No docket presently reserved.
 - A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to extend the permit term for landfills and compost facilities from 5 years to 10 years, and to require a cost estimate for closure, postclosure and corrective action to be evaluated and adjusted as necessary every five years.
 - B) Statutory Authority: These amendments will be proposed pursuant to Sections 21, 21.1, 22, 22.40, 27 and 39 of the Environmental Protection Act [415 ILCS 5/21, 21.1, 22, 22.40, 27 and 39].
 - C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].
 - D) Date Agency Anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
 - E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation operating a landfill or a compost facility in Illinois.
 - F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
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Address questions concerning this regulatory agenda to:

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Carol.Webb@illinois.gov

- G) Related Rulemaking and other pertinent information: For information regarding the development of these rules, please contact:

Laurence Mraz
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- cc) Parts (Heading and Code Citation): Site –Specific Closures of Coal Combustion Waste Surface Impoundments (35 Ill. Adm. Code 840)

- 1) Rulemaking: Docket number R13-19

- A) Description: On April 9, 2013, Ameren Energy Resources filed a rulemaking proposal to add a Subpart B to Part 840 of the Board's regulation, which addresses the closure of coal combustion waste surface impoundments. Ameren states that it intends its proposal to allow it to close surface impoundments for management of coal combustion waste at eight coal-fired powered plants.

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- B) Statutory Authority: Implementing and authorized by Section 8 of the Groundwater Protection Act and Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28; 415 ICLS 55/8].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled. On July 25, 2013, the Board granted the proponent's request to stay this proceeding for one year.
- D) Date agency anticipates First Notice: Due to the stay granted by the Board, a Notice of Proposed Amendments will not be published in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not for profit corporations: As proposed, this rule would apply to surface impoundments located at eight electric generating stations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

(312) 814-6085
Tim.Fox@illinois.gov

- G) Related Rulemaking and other pertinent information:
Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox

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Pollution Control Board
100 W. Randolph St.
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- dd) Parts (Heading and Code Citation): Waste Surface Impoundments at Power Generating Facilities (35 Ill. Adm. Code 841) (New Part)
- 1) Rulemaking: Docket number R14-10
- A) Description: On October 28, 2013, the Illinois Environmental Protection Agency filed a rulemaking proposal to add a Part 841 to the Board's waste disposal regulations. The Agency stated that it proposed a generally applicable rule for coal combustion waste (CCW) surface impoundments at power generating facilities.
- B) Statutory Authority: Implementing and authorized by Sections 12, 13, 22, 27, and 28 of the Environmental Protection Act [415 ILCS 5/12, 13, 22, 27, and 28].
- C) Scheduled meeting/hearing dates: Hearings had not been scheduled at the time this document was filed.
- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
- E) Effect on small businesses, small municipalities or not for profit corporations: As proposed, this rule would apply to surface impoundments located at electric generating stations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
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- G) Related Rulemaking and other pertinent information:
Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox
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Chicago, Illinois 60601

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(312) 814-6085

- ee) Part (Headings and Code Citations): Management of Used and Waste Tires (35 Ill. Adm. Code 848)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, changes necessary to make the Board's rules consistent with amendments to Title XIV of the Act.
- B) Statutory authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].

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- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
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Address questions concerning this regulatory agenda to:

Carol Webb
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- G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

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- ff) Part (Heading and Code Citation): Clean Construction or Demolition Debris Fill Operations and Uncontaminated Soil Fill Operations (35 Ill. Adm. Code 1100)
- 1) Rulemaking: Docket Number R12-9 Subdocket B
- A) Description: At the recommendation of JCAR, the Board opens Subdocket B to continue to examine the issue of groundwater monitoring at CCDD or uncontaminated soil fill operations.
- B) Statutory authority: Implementing and authorized by Sections 5, 3.160, 22.51, 22.51a, and 27 of the Environmental Protection Act [415 ILCS 5/5, 3.160, 22.51, 22.51a & 27].
- C) Scheduled meeting /hearing date: A hearing was held on May 20, 2013.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation operates CCDD or uncontaminated soil fill operations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
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Address questions concerning this regulatory agenda to:

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JANUARY 2014 REGULATORY AGENDA

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- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

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- gg) Part (Headings and Code Citation): Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination (35 Ill. Adm. Code 1600).

- 1) Rulemaking: No docket presently reserved.

- A) Description: Subpart C of Part 1600 establishes the minimum standards and requirements for the development and implementation of community relations activities in accordance with Section 25d-7 of the Environmental Protection Act (Act) [415 ILCS 5/25d-7]. The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations at Part 1600 that conform to amendments to the Board's regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO) for contaminants that pose a threat to human health and safety from the indoor inhalation of vapors.
- B) Statutory Authority: Section 25d-7 of the Environmental Protection Act [415 ILCS 5/25d-7]

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POLLUTION CONTROL BOARD

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- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless any such entity is, pursuant to Board rules, addressing a release of contaminants that pose a threat to human health and safety from indoor inhalation of vapor. Entities that fall within the criteria for community relations activities and whose release of contaminants poses a threat to human health and safety from the indoor inhalation of vapors may be required to develop and implement a community relations plan.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

carol.webb@illinois.gov

For information regarding the development of these amendments please contact:

ILLINOIS REGISTER

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G) Related rulemaking and other pertinent information: None.