

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2016 REGULATORY AGENDA

- a) Parts (Heading and Code Citation): Permits and General Provisions (35 Ill. Adm. Code 201)
- 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 address recently adopted legislation allowing for the Agency to issue/authorize Permits-by-Rule for certain boilers less than 100 mmBtu/hr that operate at major sources instead of applying for a construction permit. The adopted proposal will be submitted as a revision to the State Implementation Plan (SIP).
- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments may be published 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 anyone who elects to obtain a permit by rule. The proposal is not expected to mandate that an owner or operator obtain a permit by rule that applies to a particular type of source.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, and questions concerning this regulatory agenda to:

Rachel Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

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- G) Related Rulemaking and other pertinent information: None.
- b) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)
- 1) Rulemaking: Docket Number R16-11
- 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 “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 has reserved this docket number to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2015 through December 31, 2015. At this time, the Board is unaware of any federal action during this update period that affected the federal definition of VOM.
- The Board will verify the existence of any other federal actions that may affect the federal definition of VOM, and propose corresponding amendments to the Illinois definition of VOM 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.
- 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].

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- 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]. The Board will then schedule and conduct at least one public hearing, 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: 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 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 as follows:

John T. Therriault, 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
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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. 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.

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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.

- c) Parts (Heading and Code Citation): Control of Emissions from Large Combustion Sources (35 Ill. Adm. Code 225)
- 1) Rulemaking: No docket is presently reserved.
- A) Description: The Illinois Environmental Protection Agency is planning to sunset the relevant provisions of the Clean Air Interstate Rule (“CAIR”). CAIR affected the large electrical generating units. The USEPA has replaced CAIR with the Cross State Air Pollution Rule (“CSAPR”). The CSAPR affects the same type of sources and is currently being implemented pursuant to a federal rule. The adopted proposal will be submitted as a revision to the State Implementation Plan.
- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27,28].
- C) Scheduled meeting/hearing dates: No hearings are scheduled at this time.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking may be published 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 entities that own or operate units subject to CSAPR.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, as well as questions concerning this regulatory agenda to:

Rachel Doctors

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G) Related Rulemaking and other pertinent information: None.

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

1) Rulemaking: Docket Number R16-10

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 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 of July 1, 2015 through December 31, 2015. At this time, the Board is aware of two actions to the federal NAAQS that occurred during this update period:

August 26, 2015 (80 Fed. Reg. 51802): USEPA approved one new FEM for fine particulate matter and one for ozone in ambient air.

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October 26, 2015 (80 Fed. Reg. 65292): USEPA adopted new 2015 primary and secondary NAAQS for ozone in ambient air, lowering from the prior 2008 NAAQS of 75 ppb to 70 ppb. USEPA further revised the FRM for ozone in ambient air, revised the data handling requirements for the new NAAQS, and made several ancillary revisions to the federal NAAQS requirements.

The Board will verify the existence of any other federal actions that may affect the federal NAAQS, and will amend the Illinois ambient air quality standards 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.
- 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 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:

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Pollution Control Board
100 West Randolph Street, Suite 11-500
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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 243 is planned at this 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 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.
- e) Parts (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)
- 1) Rulemaking: Docket Number R14-24
- A) Description: The Sanitary District of Decatur seeks a site specific rulemaking for its main sewerage treatment plant. The District seeks an alternative chronic water quality standard for nickel from the point of its discharge into the Sangamon River, and an alternative rule under certain flow conditions to allow mixing to be considered when determining a water quality based NPDES permit limit for nickel.
- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/5, *et. al.*].
- C) Scheduled meeting/hearing dates: A hearing has not yet been scheduled at the request of the District.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking may be published in the *Illinois Register* within the next six months.

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- E) Effect on small businesses, small municipalities or not for profit corporations: This rule will affect the Sanitary District of Decatur.
- 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 to:

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- G) Related Rulemaking and other pertinent information: None.
- f) Parts (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)
Effluent Standards (35 Ill. Adm. Code 304)

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- 1) Rulemaking: No docket presently reserved.
- A) Description: The Agency is working toward establishing a new narrative standard for “cultural eutrophication” to protect aquatic life from the adverse impacts of excess algae and aquatic plant growth. Measurable parameters such as dissolved oxygen will be used to identify cultural eutrophication. The proposed standard would prohibit cultural eutrophication and the presence of such would trigger a technology-based phosphorus limit on dischargers that would significantly contribute to cultural eutrophication. The technology based phosphorus limits applicable to such dischargers would be proposed by updating 35 Ill. Adm. Code 304.123. Other technology-based phosphorus effluent standards covering certain dischargers of phosphorus independent of a finding of cultural eutrophication will also be proposed for 35 Ill. Adm. Code 304.123.
- B) Statutory Authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11, 27].
- C) Scheduled meeting/hearing dates: No hearings have been scheduled.
- 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 businesses, small municipalities or not for profit corporations: Small businesses will be affected if they are covered by an NPDES permit and determined to be a significant source.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, and questions about this regulatory agenda to:

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G) Related Rulemaking and other pertinent information: None.

g) Parts (Headings and Code Citations): Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket Number R16-9

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 made in the period July 1, 2015 through December 31, 2015. At this time, the Board is aware of two amendments to the federal wastewater pretreatment regulations that occurred during this update period:

October 22, 2015 (80 Fed. Reg. 64064): USEPA adopted a rule that mandates electronic reporting for the purposes of the National Pollution Discharge Elimination System (NPDES) program. Mandatory electronic reporting of information for the purposes of wastewater pretreatment is an element of the new rule.

November 3, 2015 (80 Fed. Reg. 67838): USEPA adopted revised effluent guidelines and standards, and wastewater pretreatment standards for sources in the Steam Electric Power Generating Point Source Category.

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.

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- 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: No hearings are scheduled at this time.
- 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:

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Address questions concerning this regulatory agenda as follows:

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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.
- h) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket Number R16-12
- 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.
- 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 USEPA may make in the period of July 1, 2015 through December 31, 2015. 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].

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- 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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- 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.

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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.

- i) 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)

1) Rulemaking: Docket Number R16-13

- 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, 2015 through December 31, 2015. 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.

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- 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.
- 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:

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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: 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.

- j) 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 R16-15

- 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

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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 number 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 of July 1, 2015 through December 31, 2015. At this time, the Board is aware of two federal actions during this update period.

July 2, 2015 (80 Fed .Reg. 37988): USEPA adopted technical corrections to the Coal Combustion Residuals (CCR) Rule: USEPA corrected the effective date. While this action directly affected only provisions in 40 C.F.R. 257, the original CCR Rule adopted by USEPA on April 17, 2015 included amendments to hazardous waste provisions. The revised effective date may affect those hazardous waste provisions. The Board must make mention of the revised effective date when adopting the CCR Rule in RCRA Subtitle C update docket R16-7.

July 2, 2015 (80 Fed. Reg. 37992): USEPA revised the list of OECD countries for the rules applicable to trans-boundary shipments of hazardous waste. USEPA added Estonia, Israel, and Slovenia to reflect that these countries are now implementing the OECD Decision C(2001)107.

The Board will verify the existence of any other federal actions that affect the RCRA Subtitle C regulations, and will then propose corresponding amendments as necessary and appropriate. 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.

- 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

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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: 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 that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

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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: The reserved UIC update docket for the period January 1, 2015 through June 30, 2015. 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

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

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

1) Rulemaking: Docket Number R16-16

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 made in the period of July 1, 2015 through December 31, 2015. At this time, the Board is aware of one update to the federal UST regulations that occurred during this period:

July 15, 2015 (80 Fed. Reg. 41566): USEPA extensively re-wrote and amended the 1988 UST regulations and the State program authorization provisions. Significant changes include the addition of secondary containment requirements for new and replaced tanks and piping, operator training requirements, and periodic operation and maintenance requirements. USEPA further addressed UST systems deferred in the 1988 rules, adding release prevention and detection technologies, updating codes of practice, making technical corrections, and updating state program requirements. Much of the Board's IIS mandate was removed by revisions to the Environmental Protection Act [415 ILCS 5] in 1990 and 1992. An IIS mandate embracing a narrow scope of corrective action-related provisions remains. The Board must incorporate the federal revisions to provisions still within the scope of the UST IIS mandate (USEPA amendments to 40 C.F.R. 280.10-280.13, 280.22, and 280.60-280.67 and appendices I and III to 40 C.F.R. 280).

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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 other 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.
- D) Date agency anticipates First Notice: A date for publication cannot be determined 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 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, 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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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 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 Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- l) 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 R16-14

- 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, 2015 through December 31, 2015. At this time, the

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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.

- 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, Clerk
Pollution Control Board

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100 West Randolph Street, Suite 11-500
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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
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(312)814-6924

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.
- m) 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 waste disposal regulations, 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 had not been scheduled at the time this regulatory agenda was filed. On August 7, 2014, the Board granted proponent's request to extend the stay of this proceeding for one year while a proposed generally-applicable rulemaking proposal is pending. On November 19, 2015, the Board directed the proponent to file within 60 days a status report detailing progress in this proceeding and describing the need for any request for further extension of the stay.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments may be published in the *Illinois Register* within the next 12 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, 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

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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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100 W. Randolph St.
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- n) Parts (Heading and Code Citation): Coal Combustion Waste Surface Impoundments at Power Generating Facilities (35 Ill. Adm. Code 841)

- 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. On November 5, 2015, the Board stayed this rulemaking for 120 days until March 4, 2016.
- 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: Multiple hearings were held in Springfield and Chicago.
- D) Date agency anticipates First Notice: A Notice of Proposed Rules may be published in 2016.
- 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.

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

John Therriault, 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.
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(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.