

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
CLEAN-UP)	R18-
AMENDMENTS TO 35 ILL.)	(Rulemaking – Air, Land,
ADM. CODE PARTS 201, 211, 212, 214,)	and Water)
215, 216, 217, 218, 219, 225, 228, 232, 237,)	
301, 302, 303, 304, 306, 309, 401, 402, 403,)	
404, 405, 501, 611, 615, 616, 617, 722, 811,)	
813, 855, AND 1000)	
)	

NOTICE

TO:

Don Brown, Clerk
 Illinois Pollution Control Board
 State of Illinois Center
 100 West Randolph, Suite 11-500
 Chicago, Illinois 60601
 (VIA electronic service)

Division Chief of Environmental Enforcement
 Attorney General's Office
 James R. Thompson Center
 100 West Randolph, 12th Floor
 Chicago, Illinois 60601
 (VIA electronic service)

Office of the General Counsel
 Eric Lohrenz
 Illinois Dept. of Natural Resources
 1 Natural Resources Way
 Springfield, Illinois 62702
 (VIA electronic service)

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board the Illinois EPA's CLEAN-UP AMENDMENTS TO 35 ILL. ADM. CODE PARTS 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, AND 1000 and APPEARANCES of the Illinois Environmental Protection Agency Attorneys, a copy of which is herewith served upon you.

Dated: January 10, 2018

ILLINOIS ENVIRONMENTAL PROTECTION
 AGENCY

By: /s/ Charles E. Matoesian
Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel
Charles.Matoesian@illinois.gov

P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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TABLE OF CONTENTS OF REGULATORY SUBMITTAL

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5. Proposed Amendment to 35 Ill. Adm. Code Parts 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, and 1000
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APPEARANCE

The undersigned, as one of its attorneys, hereby enters an Appearance on behalf of the Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: /s/ Charles E. Matoesian
 Charles E. Matoesian
 Assistant Counsel
 Division of Legal Counsel
Charles.Matoesian@illinois.gov

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APPEARANCE

The undersigned, as one of its attorneys, hereby enters an Appearance on behalf of the Illinois Environmental Protection Agency.

**ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY**

By: /s/ Stefanie N.Diers
Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel
Stefanie.Diers@Illinois.gov

DATED:
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STATEMENT OF REASONS

The Illinois Environmental Protection Agency (Illinois EPA or Agency) hereby submits this Statement of Reasons to the Illinois Pollution Control Board (Board) pursuant to Sections 27 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/27 and 28) and 35 Ill. Adm. Code 102.202(b), in support of the attached proposed amendments. Included in this proposal are amendments to the following Parts of Title 35 of the Illinois Administrative Code:

Air Regulations

- Part 201: Permits and General Provisions;
- Part 211: Definitions and General Provisions;
- Part 212: Visible and Particulate Matter Emissions;
- Part 214: Sulfur Limitations;
- Part 215: Organic Material Emission Standards and Limitations;
- Part 216: Carbon Monoxide Emissions;
- Part 217: Nitrogen Oxides Emissions;
- Part 218: Organic Material Emission Standards And Limitations For The Chicago Area;
- Part 219: Organic Material Emission Standards And Limitations For The Metro East Area;
- Part 225: Control of Emissions from Large Combustion Sources;
- Part 228: Asbestos;
- Part 232: Toxic Air Contaminants;
- Part 237: Open Burning;
- Part 1000: Radiation Hazards.

Water Regulations

- Part 301: Introduction;
- Part 302: Water Quality Standards;
- Part 303: Water Use Designations And Site Specific Water Quality Standards;
- Part 304: Effluent Standards;
- Part 306: Performance Criteria;

Part 309: Permits;
Part 401: General Provisions;
Part 402: Definitions;
Part 403: NPDES Permits;
Part 404: State Permits;
Part 405: State and NPDES Permits;
Part 501: General Provisions;
Part 611: Primary Drinking Water Standards;
Part 615: Existing Activities In A Setback Zone Or Regulated Recharge Area;
Part 616: New Activities In A Setback Zone Or Regulated Recharge Area;
Part 617: Regulated Recharge Areas.

Land Regulations

Part 722: Standards Applicable to Generators of Hazardous Waste;
Part 811: Standards for New Solid Waste Landfills;
Part 813: Procedural Requirements for Permitted Landfills;
Part 855: Operation of the Hazardous Waste Fee System.

This proposal amends the most recent version of the above Parts as found on the Board's website.¹

I. STATEMENT OF FACTS

This rulemaking arises from Executive Order 2016-13, issued by Governor Rauner on October 17, 2016, which required all state agencies under the jurisdiction of the Governor to undertake a comprehensive review of existing rules and regulations. The stated purpose of the executive order was to determine which regulations were outdated, repetitive, confusing, unnecessary, or harmful to the economy. State agencies were then to amend or repeal such regulations as necessary.

In response to this Executive Order, the Agency agreed to assist the Board in reviewing Board regulations to identify provisions that could potentially be revised or repealed. This rulemaking is a result of that effort.

The Agency proposes to repeal specified portions of Board regulations which have over time become obsolete, duplicative, or unnecessary. For purposes of economy, several other minor corrections or updates to other Parts of the Administrative Code are being addressed as well. Amendments to regulations impacting all three media – air, water, and land – are included in this rulemaking proposal.

¹ The Agency would like to note that the formatting of the version of Parts 218 and 219 available on the Board's website is not conducive to amendments. Both Parts utilize "cells" for the tables of emissions limitations, which are difficult to alter when the Agency proposes amendments to such tables. Even simple amendments cause extensive formatting ripples. For the rule revisions at issue here, Agency personnel spent considerable time reformatting the lists using tabs instead of cells in order to enable amendments. The Agency requests that the tables be formatted by the Board in such a manner so as to avoid similar issues in the future.

The Illinois EPA does not believe this rulemaking proposes substantive changes to Title 35. The Agency does not anticipate providing prefiled testimony because this Statement of Reasons and the Technical Support Document (for the air provisions) explains all the proposed non-substantive changes. In the event the Board or the public have questions regarding the Agency's proposal, the Agency will make appropriate staff available at the Board's public hearings.

II. THE ILLINOIS EPA'S PROPOSAL

A. AIR PROPOSAL

The Illinois EPA proposes the following amendments to the Board's air regulations. All amendments are emissions-neutral and do not impact the overall plans or goals of attainment or nonattainment areas within the State. Technical Support Document (TSD) at 2. As the amendments are administrative in nature they will not affect emission levels of any pollutant within the State, nor will the proposed amendments impact reasonable further progress towards any National Ambient Air Quality Standard (NAAQS). *Id.*

35 Ill. Adm. Code 201, Permits and General Provisions

Part 201, entitled "Permit and General Provisions," explains the various actions which require permits and the permit application process. Part 201 was enacted to satisfy the Clean Air Act (CAA) requirements for instituting an air pollution emission based permitting program. The Agency proposes to repeal Sections 201.124, 201.147, and 201.164, as these provisions are no longer necessary.

Section 201.124 requires that the Agency submit to the Board an annual report that lists the emissions sources for which an operating permit is needed, the type and quantity of pollutants they emit, and the existing and planned controls these sources have, including when planned controls would be completed. This regulation was adopted to allow the Board to assess the operation of the Air program in the years following its initial inception. However, the Air program has now existed for over 45 years and the emission sources for which permits are required, as well as the type of permit required, based on the nature of the source and type and quantity of emissions, are clearly delineated in the Illinois Environmental Protection Act ("Act") (Sections 9 and 39) and regulations (35 IAC 201.142, 201.143, 201.144, and 201.146). TSD at 2. As such, these provisions are no longer necessary.

Section 201.147 provides that all permits of the Agency or the Agency's predecessor are subject to the requirements of Sections 201.121, 201.142 through 201.146, and Subparts D through F of this Part. This Section was intended to address the requirements applicable to pre-1971 permits issued by the Agency or its predecessor. No source still holds a "former permit," making this Section obsolete and unnecessary. TSD at 3.

Finally, Section 201.164 authorized the Agency to establish design parameters for those wishing to know what was considered adequate to meet the standards for issuance of a permit. Since the adoption of this Section, design criteria or parameters have been included within regulations adopted by the Board. TSD at 3. The Illinois EPA never implemented or published any

procedures concerning specific criteria in the design, operation, or maintenance of any emission unit or control equipment. *Id.* Thus, this Section is no longer necessary.

35 Ill. Adm. Code 211, Definitions and General Provisions

Part 211 contains definitions for Subchapter C of the Administrative Code, titled Emission Standards and Limitations for Stationary Sources. The Agency is proposing amendments to the following existing definitions in Part 211: Section 211.481, Ammunition Sealant; Section 211.880, Cap Sealant; Section 211.1270, Coil Coating; Section 211.1670, Daily Weighted Average; Section 211.2200, Extreme High-Gloss Coating; Section 211.2310, Final Repair Coat; Section 211.3850, Miscellaneous Metal Parts and Products Coating; Section 211.3967, Mouth Waterproof Sealant; Section 211.4250, Organic Material and Organic Materials; and Section 211.5500, Regulated Air Pollutant.

Section 211.481 Ammunition Sealant and Section 211.880 Cap Sealant

The Illinois EPA is proposing to amend Sections 211.481 and 211.880. The Illinois EPA proposes deleting the unnecessary portion “for the purposes of 35 Ill. Adm. Code 218.204(q)(1) and 219.204(q)(1)” in the definitions of Ammunition Sealant and Cap Sealant to remove confusion since the definition also impacts other sections within the Board’s regulations. TSD at 4.

Section 211.1270 Coil Coating

The Illinois EPA is adding language to the existing definition of Coil Coating in Section 211.1270 to clarify that protective oils which are used for the purpose of providing lubrication or protection from corrosion without forming a solid film are not subject to the volatile organic material (VOM) limitations for coil coatings. This language is consistent with the United States Environmental Protection Agency’s (USEPA’s) definition of “protective oil” in the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Surface Coating of Metal Coil (40 CFR 63.5110). TSD at 4.

Section 211.1670 Daily-Weighted Average VOM Content

The Illinois EPA is proposing to amend the formula for daily-weighted average VOM content in Section 211.1670 to reflect the fact that VOM emission limits are expressed in the regulations in terms of weight of VOM per volume of coatings, weight of VOM per weight of solids in the coating, weight of VOM per weight of coating, or weight of VOM per volume of solids in the coating. TSD at 5. The Illinois EPA is proposing to amend Section 211.1670 by adding equations to determine daily weighted VOM content to match each type of VOM emission limit. *Id.*

Section 211.2200 Extreme High-Gloss Coating

The Illinois EPA proposes to amend the definition of Extreme High-Gloss Coating which applies to sources in both the Chicago and Metro-East Nonattainment Areas (NAAs); however, the

references to the regulations applicable to the Metro-East NAA were inadvertently omitted from the definition. TSD at 5. The Illinois EPA is proposing to add references to Section 219.204(q)(1) and Section 219.204(q)(5) to reflect that the definition of Extreme High-Gloss Coating applies to both the Chicago and Metro-East NAAs. *Id.*

Section 211.2310 Final Repair Coat

The Illinois EPA proposes amending the definition of Final Repair Coat in Section 211.2310 to correct typographical errors in the citations to Part 219 and add back in a reference to Part 215 that was mistakenly removed in a prior rulemaking. TSD at 5.

Section 211.3850 Miscellaneous Metal Parts and Products Coating

The Illinois EPA is adding language to the existing definition to clarify that protective oils which are used for the purpose of providing lubrication or protection from corrosion without forming a solid film are not subject to the VOM limitations for miscellaneous metal parts and products coating. TSD at 6. This language is consistent with the USEPA's definition of "coating" in the NESHAP for Surface Coating of Miscellaneous Metal Parts and Products (40 CFR 63.3981). *Id.*

Section 211.3967 Mouth Waterproofing Sealant

Illinois EPA is proposing to amend Section 211.4250 to delete the unnecessary portion "for the purposes of 35 Ill. Adm. Code 218.204(q)(1) and 219.204(q)(1)" in the definition of Mouth Waterproofing Sealant to avoid confusion since the definition also impacts other sections within the Board's regulations. TSD at 6.

Section 211.4250 Organic Material and Organic Materials

Illinois EPA is proposing to amend Section 211.4250 to clarify that this Section applies to Parts 201 and 211, as well as to Parts 215, 218, and 219. TSD at 6.

Section 211.5500 Regulated Air Pollutant

Section 39.5(1) of the Act includes "greenhouse gases" in the definition of Regulated Air Pollutant. The Illinois EPA is adding "greenhouse gases" to the definition of Regulated Air Pollutant to be consistent with the definition in the Act. TSD at 7.

35 Ill. Adm. Code 212, Visible and Particulate Matter Emissions

Part 212 contains standards and limitations for visible and particulate matter emissions from stationary emission units. The Part is divided into various subparts based upon the type of source producing the emissions. The Agency is proposing the following amendments: the repeal of two sections, a minor correction in another, and the elimination of a cross-cite in another.

Section 212.423 establishes particulate matter emission limits for the portland cement manufacturing plant located in LaSalle County, South of the Illinois River, that was in operation before September 1, 1990; however, the only portland cement manufacturer in that area ceased operation and withdrew its Title V permit on March 3, 2014. TSD at 7. As a result, Section 212.423 is obsolete and should be repealed.

Section 212.424 establishes fugitive particulate matter controls for the portland cement manufacturing plant and associated quarry located in LaSalle County, South of the Illinois River, that was in operation before September 1, 1990; however, as discussed above, the portland cement manufacturing plant has ceased operation. TSD at 8. The associated quarries have therefore ceased transporting materials to the portland cement manufacturing plant and are no longer subject to this Section. *Id.* Furthermore, the quarry closest to the manufacturing plant has ceased operation, and instead only a distribution terminal that is not subject to this regulation operates at that location. *Id.* Thus, this Section is no longer applicable and should be repealed.

In Section 212.458, the Agency proposes to correct a misplaced decimal point. TSD at 8. Finally, Section 212.700 contains a cross-cite to Section 212.423(a), which the Agency is proposing to repeal. *Id.* Accordingly, the Agency proposes to strike this reference.

35 Ill. Adm. Code 214, Sulfur Limitations

Part 214 sets standards and limitations for emissions of sulfur from stationary sources. The Part is divided into various subparts based upon factors such as the location of sources or the type of industry grouping the facility belongs to (petroleum refining, glass and concrete manufacturing, etc.). The Agency is proposing to repeal Sections 214.521 and 214.561. Both Sections resulted from site-specific rulemakings and are now obsolete.

Section 214.521 sets a sulfur dioxide (SO₂) limit for the coal-fired boilers at the Village of Winnetka Electric Utility Plant. However, Winnetka no longer has any boilers at the station that burn coal; they have been converted to burn natural gas. TSD at 8. As a result, Section 214.521 is no longer necessary and should be repealed.

Section 214.561 contains specific SO₂ limits for the E.D. Edwards Electric Generating Station in Bartonville, Illinois, adopted by the Board in 2003. TSD at 9. In 2015, the Board promulgated lower SO₂ limits in Subpart AA of Part 214 based on a new, more stringent, SO₂ NAAQS. R2015-021, *In the Matter of: Amendments to 35 Ill. Adm. Code Part 214, Sulfur Limitations, Part 217, Nitrogen Oxides Emissions, and Part 225, Control of Emissions from Large Combustion Sources*. Owners or operators of listed sources (including E.D. Edwards) were required to comply with these new standards by January 1, 2017, making Section 214.561 obsolete and ripe for repeal. R2015-021, p. 9.

35 Ill. Adm. Code 215, Organic Material Emission Standards and Limitations

Part 215 contains standards and limitations for emissions of organic material from stationary sources located in areas other than the Chicago and Metro-East areas. The Part is divided into subparts based upon categories of sources that emit VOMs.

First, the Agency seeks to repeal a series of compliance plan provisions located throughout Part 215. The compliance plan Sections were designed to give certain sources dates by which they were to submit plans to come into compliance. The Agency proposes to repeal Sections 215.185, 202, 210, 212, 213, 406, 407, 429, 466, 517, 613, 881, and 883. All compliance dates within these Sections have passed, so the Sections are obsolete and suitable for repeal.

Second, the Agency is proposing to repeal two subparts of Part 215, Subpart I and Subpart N. Subpart I, composed of Sections 215.260, 261, 263, 264, and 267, and titled "Adjusted RACT Emissions Limitations," provides that owners and operators of emission sources subject to Part 215, Subparts PP, QQ, or RR may petition the Board for an Adjusted Reasonably Available Control Technology (RACT) Emissions Limitation in lieu of compliance with certain other specified limitations. The Agency is proposing to repeal this Subpart, as it is no longer needed. To the Agency's knowledge, Subpart I is rarely used by sources; based on information available on the Board's website, it appears that the last Subpart I proceeding took place over 20 years ago. TSD at 12. Once repealed, sources may still request adjusted standards from Subpart PP, QQ, or RR; their petitions will simply be subject to the general criteria applicable to adjusted standard proceedings set forth in Section 28 of the Environmental Protection Act and in 35 Ill. Adm. Code Part 104. *Id.* For these reasons, Subpart I should be repealed.

The Agency also proposes to repeal Subpart N of Part 215. Entitled "Vegetable Oil Processing," Subpart N is composed of Sections 215.340, 342, 344, 345, 346, and 347. The Subpart provides limits for hexane emissions from the extraction of solvents from soybean crushing and corn oil processing sources. On April 12, 2001, USEPA published NESHAP: Solvent Extraction for Vegetable Oil Production, 40 CFR Part 63 Subpart GGGG. TSD at 12. As explained in greater detail in the Agency's Technical Support Document, Section 215 Subpart N is no longer necessary since the NESHAP's requirements provide more effective control of volatile organic material emissions, including hexane emissions. TSD. All Illinois sources that are covered under Subpart N are also subject to this NESHAP. *Id.* at 12-13.

The Agency proposes repealing Section 215.215, which established relaxed VOM limitations applicable to DMI, Inc. of Goodfield, Illinois. The rule specifies, "This Section shall expire . . . on January 1, 2000 . . . at which time DMI, Inc. shall comply with the provisions that generally apply to VOM emissions." This Section has expired and can therefore be repealed.

Finally, the Agency is recommending minor changes to two other sections in Part 215. In Section 215.211, the Illinois EPA is proposing to delete Section 215.211(a)(3) since it references Section 215.210, which has been proposed for repeal. TSD at 10. Also, in Section 215.420 the Agency is proposing adding a zero to the Section number in the title to correct a typographical error. The title number will thus properly read "215.420." TSD at 14. The Agency also proposes to strike a reference to Section 215.429 as the Agency is proposing to repeal such Section in this rulemaking.

35 Ill. Adm. Code 216, Carbon Monoxide Emissions

Part 216 contains standards and limitations for carbon monoxide (CO) emissions from stationary sources. The Part is divided into subparts based upon the type of source which emits CO. The

Agency proposes repealing Section 216.382, which provides site-specific relief from the CO standard set forth in Section 216.381 to the General Motors Worldwide Group plant in Vermillion County. The General Motors plant is not operating anymore. TSD at 16. All operating permits were withdrawn on July 2, 1996. *Id.* Accordingly, the Section is unnecessary and should be repealed.

35 Ill. Adm. Code 217, Nitrogen Oxides Emissions and 35 Ill. Adm. Code 225, Control of Emissions from Large Combustion Sources

The Agency proposes repealing Part 217, Subparts W and X, and Appendix F, and sunsetting Part 225, Subparts C, D, and E.

On May 12, 2005, the USEPA adopted the Clean Air Interstate Rule (CAIR) with the purpose of replacing the older interstate Nitrogen Oxide (NO_x) Trading Program (NO_x SIP Call Trading Program) beginning with the 2009 control period. CAIR added two new trading programs addressing annual emissions of NO_x and SO₂ from electrical generating units at power plants (EGUs). *Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO_x SIP Call*, 70 Fed. Reg. 251762 (May 12, 2005). Provisions implementing CAIR in Illinois were adopted by the Board in 35 Ill. Adm. Code 225 (R06-22) and approved by USEPA on October 16, 2007. *Approval of Implementation Plans of Illinois: Clean Air Interstate Rule*, 72 Fed. Reg. 58528 (October 16, 2007). The CAIR provisions as set forth in Part 225.Subpart E include a trading program for the control of NO_x emissions during the trading season (May 1 through September 30) of 2009 and thereafter, and Subparts C and D include annual programs for the control of SO₂ and NO_x, respectively.

On August 8, 2011, the USEPA finalized the Cross-State Air Pollution Rule (CSAPR), which replaced CAIR. CSAPR requires states to improve air quality by reducing power plant emissions that contribute to ozone and/or fine particle pollution in other states. *Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals*, 76 Fed. Reg. 48208 (August 8, 2011). However, the program was not effective until the 2015 control periods. CSAPR requires a total of 22 states to reduce annual SO₂ emissions, annual NO_x emissions, and ozone season NO_x emissions to assist in attaining the 1997 ozone and 2006 fine particle NAAQS. The CSAPR is implemented in Illinois via a federal implementation plan (FIP) that requires large EGUs to participate in the new emissions trading programs. *Rulemaking to Affirm Interim Amendments to Dates in Federal Implementation Plans Addressing Interstate Transport of Ozone and Fine Particulate Matter*, 81 Fed. Reg. 13275, 13276 (March 14, 2016). On September 7, 2016, USEPA signed a final rule updating the CSAPR to address interstate transport of air pollution under the 2008 ozone NAAQS. *Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS*, 81 Fed. Reg. 74504 (October 26, 2016). This rule was effective December 27, 2016.

The timing of CSAPR's implementation has been affected by a number of court actions.² However, CSAPR Phase 1 was implemented in 2015, with Phase 2 beginning in 2017.

² On December 30, 2011, CSAPR was stayed prior to implementation. *EME Homer City Generation, L.P. v. EPA*, No. 11-302 (D.C. Cir. Issued Dec. 30, 2011). On August 21, 2012, the D.C. Circuit vacated CSAPR. *EME Homer City Generation, L.P.*, 696 F.3d 7 (D.C. Cir. 2012). However, on April 29, 2014, the U.S. Supreme Court issued an

Rulemaking to Amend Dates in Federal Implementation Plans Addressing Interstate Transport of Ozone and Fine Particulate Matter, 79 Fed. Reg. 71663 (December 3, 2014).

With the implementation of the CSAPR program, Illinois' EGUs must now comply with duplicative administrative requirements (e.g., recordkeeping and reporting) for the 2015 control periods and beyond until the provisions of CAIR, set forth in 35 Ill. Adm. Code 225.Subparts C, D, and E are sunset. This proposal for sunsetting the provisions of CAIR is consistent with the provisions of 40 CFR 51.123(ff) and 51.124(s), which provide that USEPA will no longer administer CAIR for control periods commencing after December 31, 2014.

In addition, Illinois EPA is proposing to repeal Subpart W, Subpart X, and Appendix F of Part 217 regarding the NO_x SIP Call Trading Program, which pertain to "NO_x Trading Program for Electrical Generating Units," "Voluntary NO_x Emissions Reduction Program," and "Allowances for Electrical Generating Units," respectively. With respect to the proposed repeal of Subpart W and Appendix F, which implemented the NO_x SIP Call Trading Program for EGUs in Illinois, as of 2009 USEPA discontinued the implementation of that trading program with its implementation of CAIR and then the CSAPR Trading Program. TSD at 17. These provisions can therefore be repealed. The purpose of Subpart X was to implement Section 9.9(d)(3) of the Act by providing a method by which additional NO_x allowances may be generated for use by emission units subject to the requirements of the NO_x SIP Call. *Id.* Subpart X was never approved by USEPA or implemented by the Illinois EPA. Further, most of Subpart U and all of Subpart W of Part 217 that implemented the NO_x SIP Call were sunset in 2009. *Id.* Hence, Subpart X has no purpose and should be repealed.

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

Part 218 contains standards and limitations for emissions of organic material and VOM from stationary sources located in the Chicago area. The Part is divided into subparts based upon the different source categories which may emit VOM. The Agency proposes making several general "clean-up" amendments to Section 218.204 to clarify the responsibilities of sources when complying with the limits found in the Section. Minor amendments are also proposed to Sections 218.401 and 218.926.

Section 218.204(c)(2), (g)(2), and (h)(2)

The VOM emission limits in this Section are prescribed in terms of weight of VOM per weight of solids and weight of VOM per weight of coatings. The Illinois EPA is adding the words "either" and "or" to clarify that sources do not have to comply with both limits, but rather must comply with either one or the other. TSD at 18. The Illinois EPA is also adding equivalent VOM limitations in terms of lb VOM/lb in parentheses to Section 218.204(c)(2) to match the

opinion reversing the vacatur and remanding the case to the D.C. Circuit. *EPA v. EME Homer City Generation, L.P.*, 134 S. Ct. 1584 (2014), reversing 696 F.3d 7 (D.C. Cir. 2012). Following the remand, USEPA requested that the court lift the CSAPR stay and toll the CSAPR compliance deadlines by three years. On October 23, 2014, the D.C. Circuit granted USEPA's request. *EME Homer City Generation, L.P. v. EPA*, No. 11-1302, Document #1518738 (D.C. Cir. Issued October 23, 2014).

general format of the emission limitations of Section 218.204. *Id.* Finally, the Illinois EPA is adding “coatings applied” to the column labelled “kg/l” over “(lb/gal)” for clarity in both subsections (g)(2) and (h)(2). *Id.*

Section 218.204(n)

The Illinois EPA is proposing to amend Section 218.204(n). The Board Note at the end of Section 218.204(n) cites “Section 218.240(q).” This is a typographical error. It should state “Section 218.204(q).” The Illinois EPA is correcting the reference by replacing “218.240” with “218.204.” TSD at 19.

Section 218.204(q)

The Illinois EPA is proposing to amend Section 218.204(q). The Illinois EPA is rearranging words for clarity. TSD at 19. The sentence, “The limitations in this subsection (q) shall not apply to aerosol coating products, powder coatings, or primer sealants and ejection cartridge sealants used in ammunition manufacturing,” is being changed to, “The limitations in this subsection (q) shall not apply to primer sealants and ejection cartridge sealants used in ammunition manufacturing, aerosol coating products, or powder coating.” *Id.*

Section 218.204(q)(1), (q)(2), (q)(3), (q)(4), and (q)(5)

The Illinois EPA is adding language to clarify that affected sources do not have to comply with both limits set forth in this subsection, but rather must comply with either the emissions limit in terms of “weight of VOM per volume of coatings applied” or the emission limit in terms of “weight of VOM per volume of solids applied.” TSD at 19-21.

Sections 218.204(q)(1)(BB)

The Illinois EPA proposes removing the “All Other Coatings” category in Section 218.204(q)(1)(BB), as it is no longer necessary. TSD at 20. The “General One Component” and “General Multi Component” categories set forth in Section 218.204(q) are based on federal Control Techniques Guidelines (CTG), and encompass all coatings that previously fell into the “All Other Coatings” category. TSD at 21.

Section 218.401(c)(1)

The last line in the first paragraph in this subsection cites “subsections (c)(1)(D)...” This is a typographical error. It should state “subsections (c)(1)(B)...” The Illinois EPA is correcting the reference by replacing “(c)(1)(D)” with “(c)(1)(B).” TSD at 21.

Section 218.926(b)(2)(C)(ii)

The Illinois EPA proposes amending this Section to replace a reference to “Kg” with a reference to “kg,” to remain consistent with the abbreviation for kilograms in Section 211.102(a). TSD at 22.

**35 Ill. Adm. Code 219, Organic Emission Standards and Limitations
for the Metro East Area**

Part 219 contains standards and limitations for emissions of organic material and VOM from stationary sources located in the Metro-East Area. The Part is divided into Subparts based upon the different source categories which may emit organic material emissions. The Agency proposes making several general “clean-up” type amendments to Section 219.204 to clarify the responsibilities of sources when complying with the limits found in the Section.

Section 219.204(c)(2), (g)(2), (h)(2)

The VOM emission limits are prescribed in terms of weight of VOM per weight of solids and weight of VOM per weight of coatings. The Illinois EPA is adding the words “either” and “or” to clarify that sources are not required to comply with both of the limits, but rather, must comply with either one or the other. TSD at 22-23. The Illinois EPA is also adding equivalent VOM limitations in terms of lb VOM/lb to match the general format of the emission limitations of Section 219.204. *Id.* Finally, the Illinois EPA is adding “coatings applied” to the column labelled “kg/l” over “(lb/gal)” for clarity in both subsections (g)(2) and (h)(2). *Id.*

Section 219.204(q), (q)(1), (q)(2), (q)(3), (q)(4), and (q)(5)

The Illinois EPA is adding language to clarify that affected sources do not have to comply with both limits set forth in this subsection, but rather must comply with either the emissions limit in terms of “weight of VOM per volume of coatings applied” or the emission limit in terms of “weight of VOM per volume of solids applied.” TSD at 23-25.

Section 219.204(q)(1)

In addition, Section 219.204(q)(1), Metal Parts and Products, mistakenly provides VOM emission limits in terms of “kg VOM/l coating solids applied” and equivalent VOM emission limits in terms of “lb VOM/gal coating solids applied.” TSD at 24. The Illinois EPA is proposing to amend Section 219.204(q)(1) by replacing these units of measurement with the correct VOM emission limits in terms of “kg/l (lb/gal) coating” and equivalent VOM emission limits in terms of “kg/l (lb/gal) solids.” *Id.*

Section 219.204(q)(1)(BB)

The Illinois EPA proposes removing the “All Other Coatings” category in Section 219.204(q)(1)(BB), as it is no longer necessary. The “General One Component” and “General Multi Component” categories set forth in Section 219.204(q) are based on a federal CTG, and encompass all coatings that previously fell into the “All Other Coatings” category. TSD at 24.

35 Ill. Adm. Code 228, Asbestos

Part 228 regulates the construction or repair of sites with asbestos containing material, the destruction of sites containing asbestos, and the manufacturing of asbestos. The Agency is proposing to repeal Part 228, as it is obsolete. On December 14, 1978, the Board adopted a

resolution and order in R78-18, *In the Matter of: Standards of Performance of New Stationary Sources and National Emission Standards for Hazardous Air Pollutants*, adopting the federal New Source Performance Standards (NSPS) regulations as well as the federal asbestos NESHAP regulations. The Board's resolution and order stated that the adoption of these federal provisions voided and superseded the Board's existing asbestos regulations. Consequently, the Board's asbestos rules as set forth in Part 228 are not implemented by the Agency; the Agency instead implements the pertinent federal provisions per a delegation agreement with USEPA. As Part 228 has been superseded and is no longer enforced, it should be repealed.

35 Ill. Adm. Code 232, Toxic Air Contaminants

Part 232 includes a list of toxic air contaminants, the procedures to determine a toxic air contaminant, and the procedures to amend the list. Part 232 was developed due to amendments to Section 9.5 of the Act in 1992. TSD at 27. Section 9.5(d) of the Act gave the Board the authority to adopt regulations to control toxic contaminants released into the air in a manner to protect public health and the environment. *Id.* This was due to the lack of federal programs to adequately protect the public and the environment from chronic exposure to toxic air contaminants. *Id.* Since then, USEPA has fully developed programs to control emissions of toxic air contaminants, including NESHAPs under 40 CFR Part 61 and Part 63. *Id.* USEPA has regulated most, if not all, categories of concern, and Illinois EPA has delegated authority to implement NESHAPs. *Id.* Further, Part 232 only required applicable sources to submit a report in 1997, or later if there were a change or a new applicable source. *Id.* Part 232 is therefore obsolete and no longer necessary.

35 Ill. Adm. Code 237, Open Burning

Part 237 prohibits open burning or the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned. The Agency is proposing to repeal Part 237.130, a provision that provided site-specific relief to the City of Freeport which operated an air curtain destructor to burn landscape waste and clean wood waste. The City of Freeport alerted the Agency in a letter dated July 12, 2004, that the city no longer operates the air curtain destructor. TSD at 28. Accordingly, Section 237.130 is unnecessary and should be repealed.

35 Ill. Adm. Code 1000, Radiation Hazards

Part 1000 establishes standards for protection against certain radiological air pollutants. The Agency is merely proposing to amend Section 1000.503 by striking a cross-cite to Section 201.124, as the Agency is proposing to repeal that Section as part of this rulemaking. TSD at 28.

B. WATER PROPOSAL

The Agency is proposing several amendments to the water pollution regulations found in Subtitle C, the mine regulations found in Subtitle D, the Concentrated Animal Feed Operations in Subtitle E, and the Public Water Supply regulations in Subtitle F. These proposed changes are

non-substantive and are intended to delete outdated, duplicative or unnecessary regulations. The proposed changes are as follows:

35 Ill. Adm. Code 301, Introduction

Section 301.101 Authority

The Agency proposes to repeal this Section because it is not necessary. The authority note provides the pertinent authority. Furthermore, this Section recites large portions of the statute, which is unnecessary.

Section 301.103 Repeals

The Agency proposes to repeal this Section because the existing regulations SWB-1, SWB-2, SWB-5 through SWB-15, SWB-17 and SWB-19 have been repealed by the Board and this Section is no longer necessary. Furthermore, this Section cites to Section 49(c) of the Act, which has been repealed.

Section 301.105 References to Other Sections

The Illinois Secretary of State develops the codification system, which includes how to properly reference other sections, for all regulations in the State of Illinois. The explanation of references contained in Section 301.105 is not consistent with the Illinois Secretary of State Style Manual, June 2004, p. 8-9. This part is not necessary and contains no references to other parts within Title 35. Therefore, the Agency is proposing to repeal this Section.

Section 301.106 Incorporations by Reference

This Section contains the materials incorporated by reference for the Board's Subtitle C rules. The Agency noticed the Board also incorporates materials by reference in Section 302.510. Many of the documents incorporated in Sections 301.106 and 302.510 are the same. The Agency is proposing to consolidate all the materials incorporated by reference into a single Section in Part 301, which is a more efficient way to manage incorporations by reference. Furthermore, the Agency proposes to update the incorporations by reference, many of which incorporate documents from the 1980s and 1990s.

Section 301.108 Adjusted Standards

The Agency proposes to repeal this Section because it only contains a recitation of Section 28.1 of the Act, as enacted in 1990 and therefore is not necessary.

Section 301.200 Definitions

The Agency proposes non-substantive amendments to Section 301.200 by proposing to strike "shall" in the opening sentence, since it has been determined to be unnecessary.

Section 301.290 Institute

The Agency is proposing to repeal this term because Illinois no longer has a Department of Energy and Natural Resources. Furthermore, the term Institute is not used throughout the Board's Subtitle C rules.

Section 301.312 Minimum Level

The Agency proposes to consolidate the incorporations by reference into a single section, and therefore proposes to change the reference in Section 302.510 by repealing it and then placing the information in Section 301.106. Section 301.106 will continue to list the documents incorporated by reference.

Section 301.331 Outlier

The Agency proposes to repeal this term because it is not used throughout the Board's Subtitle C rules.

Section 301.341 Pollutant Minimization Program

In its proposal to establish procedural rules for time-limited water quality standards, the Agency proposed a definition of pollutant minimization program, which is different from the definition contained in Section 301.341. *See* R18-18. The definition proposed by the Agency in R18-18 is based on the definition adopted by the United States Environmental Protection Agency in its water quality standards regulatory revisions, 80 Fed. Reg. 51047 (August 21, 2015).

Section 301.371 Quantification Level

The Agency proposes to consolidate the incorporations by reference into a single section. The Agency proposes to repeal the reference to Section 302.510 and move the incorporation by reference section to Section 301.106. Section 301.106 will continue to list the documents incorporated by reference.

35 Ill. Adm. Code 302, Water Quality Standards

Section 302.105 Antidegradation

The Agency proposes to delete the incorporation by reference to the 1991 publication by the Illinois Department of Conservation entitled "Biologically Significant Illinois Streams." The Illinois Department of Conservation was replaced by the Illinois Department of Natural Resources (IDNR). IDNR no longer publishes a list of biologically significant streams, but designates them through a software program which cannot be incorporated. Therefore, the Agency proposes to add language clarifying that a biologically significant stream may include those identified by IDNR.

Section 302.202 Purpose

The Agency proposes to delete the reference to Section 302.213, which was repealed in 2002.

Section 302.208 Numeric Standards for Chemical Constituents

The Agency proposes to clarify in subsection (e) that $\ln(H)$ is measured in mg/L as CaCO_3 . In subsection (g), the Agency also deletes a STORET number that was inadvertently left next to Iron when this Section was updated in 2013.

Section 302.210 Other Toxic Substances

Subsection (f) lacks an introduction, and begins with paragraph (1). This Section is very similar to Section 302.540(g), which is entitled "challenges to application criteria." The Agency proposes that this same introductory language be included in subsection (f).

The Agency also proposes deleting language in subsection (f)(2) that specifies what must be in the record, which is already covered by Section 105.212 of the Board's procedural rules. The burden of proof is also set forth in the Act: "At such hearing the rules prescribed in Section 32 and subsection (a) of Section 33 of this Act shall apply, and the burden of proof shall be on the petitioner. If, however, the Agency issues an NPDES permit that imposes limits which are based upon a criterion or denies a permit based upon application of a criterion, then the Agency shall have the burden of going forward with the basis for the derivation of those limits or criterion which were derived under the Board's rules." 415 ILCS 5/40(a)(1).

In subsection (g)(3), the Agency propose deleting an outdated and unnecessary reference to the Illinois Department of Energy and Natural Resources.

Section 302.501 Scope, Applicability, and Definitions

In the definition of carcinogen, the Agency is proposing to update the cross reference to Section 302.510, which is being repealed because all of the incorporations by reference in Subtitle C are being moved to Section 301.106.

Section 302.504 Chemical Constituents

In this Section, the equation for Arsenic CS is incorrect. It is listed as $340 \times 1.0^* = 148$. The Agency proposes to change it to $148 \times 1.0^* = 148$. Section 302.504(a) was amended on December 19, 2002. In the adopted rule, the Board indicates the correct equation is $148 \times 1.0^* = 148$. *In Re: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11, Opinion and Order of the Board at 25, (December 19, 2002).*

Section 302.510 Incorporations by Reference

The Agency proposes to consolidate the incorporation by reference in Subtitle C into a single section, and therefore proposes to repeal Section 302.510. Many of the documents in this Section are duplicative of those found in Section 301.106. Those documents that are not duplicative will be added to Section 301.106.

Section 302.540 Other Toxic Substances

In subsection (b)(3), the Agency proposes to update the cross reference to a document incorporated by reference in Section 302.510, which is being repealed. All of the incorporations by reference in Subtitle C are being moved to Section 301.106.

In subsection (g), the Agency also proposes deleting language that specifies what must be in the record, which is already covered by Section 105.212 of the Board's procedural rules. The burden of proof is also set forth in the Act: "At such hearing the rules prescribed in Section 32 and subsection (a) of Section 33 of this Act shall apply, and the burden of proof shall be on the petitioner. If, however, the Agency issues an NPDES permit that imposes limits which are based upon a criterion or denies a permit based upon application of a criterion, then the Agency shall have the burden of going forward with the basis for the derivation of those limits or criterion which were derived under the Board's rules." 415 ILCS 5/40(a)(1).

Section 302.545 Data Requirements

In this Section, the Agency is proposing to update the cross reference to a document incorporated by reference in Section 302.510 as Section 302.510 is being repealed. The cross reference will now cite to Section 301.106, since all the incorporations by reference are now being placed in this Section.

Section 302.550 Analytical Testing

In this Section, the Agency is proposing to update the cross reference to a document incorporated by reference in Section 302.510 as Section 302.510 is being repealed. The cross reference will now cite to Section 301.106, since all the incorporations by reference are now being placed in this Section.

Section 302.570 Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin

In subsections (b)(1)(C), (b)(2)(C), and (b)(2)(D) the Agency proposes to update the cross reference to a document incorporated by reference in Section 302.510, because Section 302.510 is being repealed. All the incorporations by reference in Subtitle C are now being placed in Section 301.106.

Section 302.575 Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife

In subsection (c)(1), the Agency proposes to update the cross reference to a document incorporated by reference in Section 302.510, which is being repealed in this rulemaking. All the incorporations by reference in Subtitle C are now being placed in Section 301.106.

Section 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV)

In subsection (a), the Agency proposes to update the cross reference to a document incorporated by reference in Section 302.510, which is being repealed in this rulemaking. All the incorporations by reference in Subtitle C are now being placed in Section 301.106.

Section 302.606 Data Requirements

The Agency is proposing to delete the outdated reference to the American Society for Testing and Materials in this Section. The Agency believes this is the only section in Subtitle C that references the ASTM standards generally. The way this Section is drafted, testing procedures, selection of test species and other aspects of data acquisition must be done according to USEPA or other nationally recognized standards. Therefore, the listing of the ASTM standards in this Section is unnecessary.

Section 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures

The Agency proposes to fix a typo in subsection (a). This subsection refers to Section 302.681. The Board's rules do not contain a Section 302.681. The correct reference is Section 302.618.

35 Ill. Adm. Code 303, Water Use Designations and Site Specific Water Quality Standards

Section 303.322 Unnamed Tributary to the Vermilion River

The Agency is proposing to make a correction to the abbreviation "Sec." and writing it out as "Section."

Section 303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal

The narrative portion of the standard in Section 303.353(b) states, "The standard of 35 Ill. Adm. Code 302.208 for the parameter listed below does not apply to these waters." However, the standard listed in Section 303.353(b) is for total iron, whereas the standard listed in 35 Ill. Adm. Code 302.208 is for dissolved iron. The Agency is proposing to update the narrative portion of this standard to correct this oversight.

Section 303.430 Unnamed Tributary to Dutch Creek

This facility's NPDES permit was terminated on February 2, 2016, therefore the site-specific standard is no longer needed. The Agency proposes to repeal this Section.

Section 303.431 Long Point Slough and Its Unnamed Tributary

The facility was destroyed, and therefore, the relief is no longer needed.

Section 303.446 Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River

Since the Boron WQS changed, the relief in subsections (b), (c), and (d) is not necessary and the Agency is proposing to eliminate this Section.

Section 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River

The Agency is proposing to update this Section because the relief is no longer needed since the site-specific standard of 3 mg/L is now more stringent than the updated acute and chronic General Use water quality standards for boron.

Section 303.448 Mud Run Creek

The Agency is proposing to update this Section since the relief is no longer needed because the site-specific standard of 3 mg/L is now more stringent than the updated acute and chronic General Use water quality standards for boron.

35 Ill. Adm. Code 304, Effluent Standards

Section 304.205 John Deere Foundry Discharges

The Agency is proposing to repeal the site specific effluent standards as found at 35 Ill. Adm. Code 304.205. Section 304.205 was granted to a now former John Deere foundry. This facility ceased operations in 1991, therefore the standards are no longer applicable.

Section 304.211 Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough

The Agency is proposing to repeal the site specific effluent standards as found at 35 Ill. Adm. Code 304.211 granted to the then Borden Chemicals facility. In 2007 this facility suffered a fire and explosion and never again operated. Following a site remediation, the facility's NPDES Permit was terminated on October 6, 2015.

Section 304.213 PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge

Pursuant to the plain language of the regulation, it expired on December 31, 2008. Therefore, the Agency now proposes to repeal this Section.

Section 304.214 Mobil Oil Refinery Ammonia Discharge

Pursuant to the plain language of the regulation, it expired on December 31, 2007. Therefore, the Agency now proposes to repeal this Section.

Section 304.219 North Shore Sanitary District Phosphorus Discharges

Pursuant to the North Shore Water Reclamation District Act, the title of North Shore Sanitary District renamed itself to the North Shore Water Reclamation District. 70 ILCS 2305/0.5. Accordingly, Illinois EPA proposes to delete references to the sanitary district and replace them with references to the water reclamation district.

Section 304.302 City of Joliet East Side Wastewater Treatment Plant

Pursuant to the plain language of the regulation, it expired on January 1, 1994. Therefore, the Agency now proposes to repeal this Section.

Section 304.303 Amerock Corporation, Rockford Facility

Pursuant to the plain language of the regulation, it expired on December 31, 2000. Therefore, the Agency now proposes to repeal this Section.

STORET

The STORET codes that appear in current Board water quality standards are numeric codes that identify what specific substance or form of the substance a standard applies to (e.g., total or dissolved, trivalent or hexavalent, etc.). However, STORET is no longer a viable data system at USEPA. Thus, the numeric STORET codes that appear in current Board water quality standards are no longer maintained and are of little use in instructing the reader on what form of the substance the standard is specifying. As of September 2009, the Water Quality Exchange, or WQX framework, provides the main mechanism for submitting data to the STORET Data Warehouse. The legacy STORET codes that appear in the Board regulations are not associated with the WQX framework and are no longer needed. Rather, "parameter codes" are now used, which are simply entered by typing in the parameter name in a specific case sensitive format (e.g., "pH" is used to identify pH in the WQX framework without the use of a numerical code, whereas STORET identified pH using the STORET code "00400").

The Agency proposes to delete references to the STORET numbers in the following Sections:

Part 302: 302.204, 302.205, 302.207, 302.208, 302.209, 302.211, 302.212, 302.306, 302.307, 302.407, 302.408, 302.502, 302.503, 302.505, 302.506, 302.525, 302.535

Part 303: 303.322, 303.326, 303.352, 303.444, 303.445

Part 304: Table of Contents, 304.212

35 Ill. Adm. Code 306, Performance Criteria

Repeal of Subpart D, Exception Procedure

The Agency proposes to repeal Sections 306.350, 306.351, 306.352, 306.360, 306.361, 306.362, 306.363, 306.364, 306.370, 306.371, 306.372, 306.373, and 306.374. Subpart D sets forth procedures to be used by the Board when granting exceptions to Sections 306.305 and 306.306. Per Section 306.372, the last day the Board may accept a petition for an exception is January 1, 1986. Therefore, the Board can no longer accept exception petitions, and the procedures contained in Subpart D are moot. The Agency proposes to repeal this subpart.

Additionally, Sections 306.305 and 306.306 refer to Subpart D. The Agency proposes to amend these Sections to remove the now obsolete cross references.

Section 306.401 Publication of Lists

This Section contains rules on how the Agency must notify the public about the placement of sanitary districts and other wastewater treatment facilities on the critical review and restricted status lists. The Agency has very similar rules found in Section 393.402. The Agency believes Part 306, Subpart E and Part 392 contain many of the same requirements and therefore should be combined. Therefore, the Agency now proposes to combine the requirements found in Section 392.402 and Section 306.401. The Agency is not proposing any changes to the current process found in those Sections.

Section 306.402 Restricted Status

When reviewing the Agency's Part 392, the Agency noted many duplicative regulations of those contained in Part 306, Subpart E. The Agency believes these two parts should be combined to improve readability and usability by both the Agency and the regulated public. Section 392.202 and Section 392.203 contains the criteria used by the Agency when making determinations concerning restricted status. The Agency proposes to move these requirements, without change, to Section 306.402.

Section 306.403 Critical Review

The Agency is striking outdated citations in this Section.

Section 306.405 Notification of Restricted Status or Critical Review

When reviewing the Agency's Part 392, the Agency noted many duplicative regulations of those contained in Part 306, Subpart E. The Agency believes these two parts should be combined to improve readability and usability by both the Agency and the regulated public. Section 392.401 contains the procedures the Agency must follow when notifying Sanitary districts or other authorities of their placement on restricted status or critical review. These notification provisions are aligned with the requirements found in Section 306.405. Therefore, the Agency proposes to move these requirements into Section 306.405, without change.

Additionally, the Agency proposes to amend this Section to delete the reference to the Agency's "Guidelines for Notification of Restricted Status." The regulation implies that these guidelines are found in Part 390. Currently the Agency has not promulgated any regulations in Part 390 and does not have guidelines for notification of restricted status.

Section 306.406 Appeal

This Section refers to Title X of the Act for appeals of the Agency's determination to place a sanitary district or other wastewater treatment or transportation authority on restricted status. Title X of the Act pertains to permitting. Section 40, found within Title X, authorizes appeals of permit denials. Title X otherwise lacks authority of appeals of final Agency decisions on restricted status. Section 5(d) of the Act, however, gives the Board broad authority to conduct proceedings on "petitions for review of final determinations which are made pursuant to this Act or Board rule and which involve a subject which the Board is authorized to regulate." 415 ILCS 5/5(d). Therefore, the Agency proposes to change the reference to Title X to Section 5(d).

Section 306.407 Effective Date

This Section states that "Subpart E becomes effective upon filing." The Agency is unsure what is meant by "effective upon filing." Under the Secretary of State Style Manual, each section must be accompanied by a source note which specifies when the section is effective. Therefore, the Agency has determined that Section 306.407 is no longer necessary and is proposing to repeal this Section.

35 Ill. Adm. Code 309, Permits

Section 309.103 Application – General

The Agency is proposing to delete an improper reference with respect to subsection(a)(3)(D) and will instead provide the correction citation in Section 301.106.

Section 309.107 Distribution of Applications

Currently, subsection (b) of Section 309.107 requires the Agency to send two copies of the application to USEPA. One copy is sufficient, and therefore the Agency proposes to change the copy requirement from two to one.

Section 309.114 Notice to Other Governmental Agencies

This Section contains references to 40 CFR 124.34(c), which no longer exists. This Section of the federal rules requires that notice (in the form of a fact sheet) be given to the director of the District Engineer for the Corps of Engineers at the time of public notice. In 1979, this requirement was retained in 40 CFR 124.34(c) and simplified to just say that a copy of the fact sheet had to be mailed to the Corps. In 1980, the specific requirement to send a fact sheet to the Corps was removed. Instead, in Section 124.10(c)(1)(iii), public notice to any relevant state or federal agency was required for any draft permit. This requirement has remained unchanged.

The current requirement in Section 309.114 has been eliminated from the federal regulations, and replaced with a requirement that the Agency mail a copy of the public notice document to affected state and federal agencies. Section 309.114(d) provides that the Agency must send copies of the public notice upon request to other affected state and federal agencies. The Agency proposes to delete subsection (c) and modify subsection (d) to restate exactly what the federal rules require (which are applicable to the State NPDES programs through 40 CFR 123.25).

Section 309.148 Schedules of Compliance

Section 309.148 contains a reference to 40 CFR 124.44(d). This portion of the federal regulations no longer exists. When Section 309.148 was drafted in 1978, the corresponding section in 40 CFR 124.44(d) provided: "On the last day of the Months of February, May, August, and November the Director shall transmit to the Regional Administrator a list of all instances, as of 30 days prior to the date of such report, of failure or refusal of a permittee to comply with an interim or final requirement or to notify the Director of compliance or noncompliance with each interim or final requirement (as required pursuant to paragraph (b) of this Section. Such list shall be available to the public for inspection and copying and shall contain at least the following information with respect to each instance of noncompliance:"

By 1979, this compliance schedule section of the federal regulations was moved to Section 122.17, and didn't contain a quarterly reporting requirement.

In 1980, the schedule of compliance Section 122.17 was moved to Section 122.10, and Noncompliance reporting was moved to Section 122.18.

In 1983, the CFR was again recodified, and the schedule of compliance Section 122.10 was moved to Section 122.47, and Noncompliance reporting was moved to Section 123.45. Schedule of Compliance and Noncompliance reporting are currently still in these Sections.

The entire subsection 309.148(e) can be deleted because the Agency documents are available by FOIA. Given the complexity of tracing the correct citation, and how the CFR has changed since 1978, the Agency proposes to delete subsection (e).

Additionally, in subsection (f), the Agency proposes adding references to adjusted standards and time-limited water quality standards.

Section 309.157 Permit Limits for Total Metals

The Agency believes the procedures set forth in “The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion” are sufficient to determine the site-specific translators, and additional Agency regulations are not necessary. Therefore, the Agency proposes to delete any reference to Agency procedures for determining site-specific metal translators.

Section 309.181 Appeal of Final Agency Action on a Permit Application

Under the Act, a permit applicant has 35 days to appeal a final Agency action. 415 ILCS 5/40. Because subsection (b) is inconsistent with the Act, the Agency proposes to change the 30-day appeal period to 35 days.

Section 309.184 Permit Modification Pursuant to Variance

In this Section, the Agency proposes adding references to adjusted standards and time-limited water quality standards. These forms of regulatory relief were not available when this Section as last amended. The Agency also proposes renaming this Section to “Regulatory Relief” to make clear other regulatory relief is available.

Section 309.185 Public Access to Information

The Agency believes this Section is unnecessary because it only requires the Agency and Board to follow the Act. Additionally, the Board and Agency are bound by the Freedom of Information Act. Therefore, the Agency is proposing to repeal this Section.

Section 309.191 Effective Date

The Agency does not believe a section stating the effective dates of this part is necessary and therefore proposes to repeal this Section.

Section 309.223 Applications -- Registered or Certified Mail

The Agency is proposing to update this Section to reflect the current practices used at the Agency.

Section 309.241 Standards for Issuance

The Agency proposes to delete subsection (b) because it contains a cross reference to Section 309.262, which the Agency is proposing to repeal.

Section 309.262 Design, Operation and Maintenance Criteria

The Agency proposes to repeal this Section because it has been determined to be unnecessary.

Section 309.265 Approval of Federal Permits

In this Section, the Agency proposes adding references to adjusted standards and time-limited water quality standards.

Section 309.266 Procedures

The Agency proposes to repeal this Section because it has been determined to be unnecessary.

Section 309.281 Effective Date

The Agency proposes to repeal this Section since it has been determined to be unnecessary.

Section 309.282 Severability

The Agency has determined this Section is not necessary in light of the severability clause in Section 301.107, and is proposing to repeal this Section.

35 Ill. Adm. Code 401, General Provisions

Section 401.101 Authority (Repealed)

The Agency is proposing to repeal this Section because it has been determined to be unnecessary. The authority note provides the pertinent authority.

Section 401.104 Compliance with Other Laws Required

The Agency is proposing to update the statutory reference.

Section 401.105 Severability

The Agency is proposing to update the title of this Section to match Part 301.

Section 401.406 Repealer

The Agency is proposing to repeal this Section since it is no longer necessary.

Section 401.APPENDIX A

The Agency is proposing to update the appendix to reflect the sections the Agency is proposing to repeal.

35 Ill. Adm. Code 402, Definitions

Section 402.100 Terms Defined Elsewhere

The Agency is proposing to update the statutory reference.

35 Ill Adm. Code 403, NPDES Permits

Section 403.101 Incorporation of NPDES Water Rules

The Agency is proposing to delete an unnecessary reference.

Section 403.103 Application

The Agency is proposing to remove the reference to USEPA since the applications are on Agency forms.

Section 403.APPENDIX A References to Previous Rules

The Agency is proposing to delete an outdated reference.

35 Ill. Adm. Code 404, State Permits

Section 404.106 Permit Applications: Registered or Certified Mail or Hand Delivery Required

The Agency is proposing to update this Section to be consistent with the Agency's current practice and to be consistent with the change being proposed in Section 309.223.

35 Ill. Admin. Code 405, State and NPDES Permits

Section 405.101 Special Conditions: Agency Guidance Document

The Agency is proposing to repeal this Section because the Agency does not have guidance documents and guidance documents have been determined to be unnecessary.

Section 405.102 Standard for Permit Issuance or Certification

The Agency is proposing to delete the reference to Agency guidance.

Section 405.104 Permit Applications

The Agency is proposing to delete the reference to Agency guidance and update statutory references.

Section 405.APPENDIX A

The Agency is proposing to delete the unnecessary citation in this Section.

35 Ill. Adm. Code 501, General Provisions

Section 501.101 Authority

The Agency is proposing to repeal this Section since the information is covered in the authority note.

Section 501.102 Policy

The Agency is proposing to update the citation to the statutory language.

Section 501.200 Incorporations by Reference

In its 2012 proposal, the Agency proposed to update the ASABE incorporation by reference to the "Design of Anaerobic Lagoons for Animal Waste Management" and "Management of Manure Odor." The Board published its first notice version of the rule and included the updated incorporation by references. When the Board proceeded to Second Notice, it deleted the references stating:

The Agency proposed to update current incorporations by reference to two sets of materials available from the American Society of Agricultural and Biological Engineers (ASABE): Control of Manure Odors (EP379.1 1986)) and Design of Aerobic Lagoons for Animal Waste Management (EP403.1 1990). 35 Ill. Adm. Code 501.200(a). The Board submitted these updates to first-notice publication. Board Opinion at 24, 261. The Board has carefully reviewed its Subtitle E Agriculture Related Pollution rules and determined that, with one exception, none of these rules rely on those materials. The one exception is that Section 506.104 of the livestock waste regulations incorporates a 1993 version of standard EP403, and the lagoon design standards in Section 506.204 refer to those materials. See 35 Ill. Adm. Code 506.104, 506.204. The Agency did not seek to amend Part 506, and the Board did not include any of those rules in its first-notice proposal. Under these circumstances, the Board finds that it is appropriate to delete the two ASABE standards from the incorporations by reference in Section 501.200(a), and the order below reflects this change.

The Board overlooked the use of the materials in Section 501.405(b)(3) and (b)(4). The Agency requests that the Board put these incorporation-by-reference materials back into Section 501.200. The Agency further requests the Board rely on the incorporation by reference materials submitted by the Agency in the R12-23 rulemaking, and not require the Agency to resubmit materials the Board already has.

Section 501.403 Protection of Livestock Management Facilities and Livestock Waste-Handling Facilities

The Agency is proposing to add a citation to the Code of Federal Regulations.

35 Ill. Admin. Code 611, Primary Drinking Water Standards

Section 611.111 Relief Equivalent to SDWA Section 1415(a) Variances

This Section contains a statutory reference to variances as Sections 35 through 37 of the Act. The variance provisions of the Act extend to Section 38. The Agency proposes to replace Section 37 with Section 38.

Section 611.312 Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)

The Agency proposes to delete Section 611.312(b)(1), because this provides for calculating disinfection-by-products as a running annual average; this has been replaced by Section 611.312(b)(2) and Subpart Y – Locational running annual average compliance.

In Section 611.312(b)(2)(A), the Board references Section 611.980(c). This Section does not exist. The Agency believes the correct reference is to Section 611.970(d). Therefore, the Agency proposes to correct the cross reference.

Section 611.325 Microbiological Contaminants

The Agency is proposing to delete subsections (a) and (d) since these are now outdated based on the updated Total Coliform Rule that became effective on April 1, 2016.

Repeal of Sections 611.521 to 611.528 and Table A

The Agency is proposing to repeal these Sections. The Agency has determined this is repeated or extraneous information that is now addressed in the Revised Total Coliform Rules in Subpart AA. These deletions should help with confusion that is caused by the current regulatory language.

Section 611.591 Violation of a State MCL

The Agency is proposing to repeal this Section since it is outdated.

35 Ill. Adm. Code 615, Existing Activities In A Setback Zone Or Regulated Recharge Area

Section 615.102 Definitions

The Agency is proposing to update statutory references and update the definition of “method detection limit” to match Section 620.110.

Section 615.103 Incorporation by Reference

The Agency is proposing to update this Section to match the incorporation by reference found in Part 620.

Section 615.204 Ground Water Monitoring System

The Agency proposes adding language to Section 615.204(b) that is currently found in Part 620. Under Section 620.505, compliance with the groundwater quality standards can be determined through a monitoring well that meets certain conditions. *See* 35 Ill. Adm. Code 620.505(a)(5). Therefore, the same restrictions on monitoring wells used to show compliance with the groundwater quality standards found in Part 620, should also apply in Part 615, because wells should not be a part of the groundwater monitoring system if they cannot be used for compliance determinations.

35 Ill. Admin. Code 616, New Activities In A Setback Zone Or Regulated Recharge Area

Section 616.102 Definitions

The Agency proposes to eliminate the unnecessary recitation of the Act by eliminating the definitions, which are directly from the Illinois Environmental Protection Act.

Section 616.104 Exceptions to Prohibitions

The Agency proposes to eliminate the unnecessary recitation of the Act. This change will result in corrected cross-references in the following Sections: 616.402, 616.422, 616.442, 616.462, 616.602, 616.622, 616.702.

Section 616.105 General Exceptions

The Agency is proposing to change “subsections” to “Section” in Section 616.105(a)(4). When referring to the Act, the regulations do not normally refer to subsections.

Section 616.207 Determining Background Values and Maximum Allowable Results (“MARSs”)

The Agency is proposing to correct a citation.

Section 616.210 Corrective Action Program

The Agency is proposing that Section 616.210 describe the requirements of a corrective action plan. Corrective action is taken when sample values above a groundwater standard have been confirmed. Preventive response is action that is taken to mitigate contaminants before they reach a numerical groundwater standard and is addressed in Section 616.209. Therefore, in Section

616.210(e) and (g) the term “preventive response” should be replaced with the term “corrective action.”

Section 616.211 Alternative Corrective Action Demonstration

The Agency is proposing to correct an improper citation. The reference in Section 616.211(c), to subsection (c) is incorrect and should instead reference subsection (b).

Section 616.402 Prohibitions

The Agency is proposing to correct a citation.

Section 616.422 Prohibitions

The Agency is proposing to correct a citation.

Section 616.462 Prohibitions

The Agency is proposing to correct a citation.

Section 616.602 Prohibitions

The Agency is proposing to correct a citation.

Section 616.622 Prohibitions

The Agency is proposing to correct a citation.

Section 616.702 Prohibitions

The Agency is proposing to correct a citation.

Section 616.722 Prohibitions

The Agency is proposing to correct a citation.

35 Ill. Admin. Code 617, Regulated Recharge Areas

Section 617.102 Definitions

The Agency is proposing to update the statutory references.

Section 617.140 Recharge Area Road Sign Posting

The Agency is proposing to update the statutory references.

C. LAND PROPOSAL

The Illinois EPA submits the following amendments to the Board's land regulations. The Agency is proposing to clean up waste disposal regulations found in Subtitle G. These changes are non-substantive and are intended to delete outdated, duplicative or unnecessary regulations.

35 Ill. Adm. Code 722, Standards Applicable to Generators of Hazardous Waste

Section 722.122 Number of Copies

The Agency proposes to delete the requirement to submit generator copies of manifests to Illinois EPA. Generators and transporters of hazardous waste and facilities accepting hazardous waste are no longer required to submit copies of hazardous waste manifests to the Agency pursuant to 2015 Ill. Legis. Serv. P.A. 99-55 (H.B. 1015) (West); 415 ILCS 5/22.02.

Section 722.123(a)(4) Use of Manifest

The Agency proposes to delete the requirement to submit generator copies of manifests to Illinois EPA. Generators and transporters of hazardous waste and facilities accepting hazardous waste are no longer required to submit copies of hazardous waste manifests to the Agency pursuant to 2015 Ill. Legis. Serv. P.A. 99-55 (H.B. 1015) (West); 415 ILCS 5/22.02.

Section 722.154(b) Special Manifest Requirements

The Agency proposes to delete the requirement to submit generator copies of manifests to Illinois EPA. Generators and transporters of hazardous waste and facilities accepting hazardous waste are no longer required to submit copies of hazardous waste manifests to the Agency pursuant to 2015 Ill. Legis. Serv. P.A. 99-55 (H.B. 1015) (West); 415 ILCS 5/22.02.

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

Section 811.403(c)(2)(b) Special Waste Manifests

The Agency proposes to delete the requirement to submit generator copies of manifests to Illinois EPA. Generators and transporters of hazardous waste and facilities accepting hazardous waste are no longer required to submit copies of hazardous waste manifests to the Agency pursuant to 2015 Ill. Legis. Serv. P.A. 99-55 (H.B. 1015) (West); 415 ILCS 5/22.02.

35 Ill. Adm. Code 813, Procedural Requirements for Permitted Landfills

Section 813.108 Term of Permit

The Agency proposes extending the permit term for municipal solid waste landfills from 5 to 10 years. Based on the Agency's history of implementing these permits, the mandated renewal at the five-year mark is unnecessary and can be extended to 10 years, lessening administrative burdens on both permit holders and the Agency.

35 Ill. Adm. Code 855, Operation of the Hazardous Waste Fee System

Section 855.104 Existing Agency Manifest System

The Agency proposes to delete the requirement to submit generator copies of manifests to Illinois EPA. Generators and transporters of hazardous waste and facilities accepting hazardous waste are no longer required to submit copies of hazardous waste manifests to the Agency pursuant to 2015 Ill. Legis. Serv. P.A. 99-55 (H.B. 1015) (West); 415 ILCS 5/22.02.

III. SIP SUBMITTALS FOR AMENDMENTS TO AIR REGULATIONS AND CAA REQUIREMENTS

Due to the scope of the rulemaking, a number of Illinois State Implementation Plans are implicated by the amendments to air regulations, and a number of SIP actions will occur. The Agency is preparing to repeal some regulations that are part of Illinois' SIP, and amend other portions. Because these amendments are emissions-neutral, and this rulemaking concerns either outdated and obsolete provisions, or minor, non-substantive amendments, there will be little if any substantive impact upon the Illinois SIP.

The Agency plans on submitting the following provisions to USEPA as amendments to Illinois' various SIPs:

Amendments as a general revision to the SIP: Sections 201.124, 147, and 164.

Amendments to the fine particulate matter (PM_{2.5}) SIP: Sections 212.423, 424, 458, and 700; 225.307.

Amendments to the SO₂ SIP: Section 214.561.

Amendments to the ozone SIP: Sections 211.481, 880, 1270, 1670, 2200, 2310, 3850, 3967, 4250, and 5500; Sections 215.202, 211, 212, 213, 215, 420, 429, 466, 613, 881 and 883; Sections 217.750, 751, 752, 754, 756, 758, 760, 762, 764, 768, 770, 774, 776, 778, 780, and 782; Sections 218.204, 401, and 926; Section 219.204; and Sections 225.407, 507.

Amendments to the carbon monoxide (CO) SIP: Section 216.382.

These changes will be submitted to the USEPA as amendments to Illinois' SIP. SIP revisions are required to undergo public notice and opportunity for hearing before they may be submitted to USEPA for approval pursuant to 40 CFR 51.102 and Appendix V, 2.1(g). The Board's procedural rules provide for notice that meets this requirement, as set forth at 35 Ill. Adm. Code

102.416. The notice, to be sufficient, must describe the revisions and indicate that the adopted amendments will be submitted to USEPA as a SIP revision. Accordingly, the Illinois EPA recommends that the following or similar language be included in any notice of public hearing:

If adopted by the Board, the Agency intends to submit the following to the United States Environmental Protection Agency for approval as State Implementation Plan (SIP) revisions: 1) The Agency's proposed changes to 35 Ill. Adm. Code 211, 215, 217, 218, 219, 225.407, and 225.507 as revisions to Illinois' ozone SIP; 2) The Agency's proposed changes to 35 Ill. Adm. Code 212 and 225.307 as revisions to Illinois' fine particulate matter SIP; 3) The Agency's proposed changes to 35 Ill. Adm. Code 214 as revisions to Illinois' sulfur dioxide SIP; 4) The Agency's proposed changes to 35 Ill. Adm. Code 216 as revisions to Illinois' carbon monoxide SIP; and 5) The Agency's proposed changes to 35 Ill. Adm. Code 201 as a general revision to Illinois' SIP. The submittal will include an analysis demonstrating that the proposal does not interfere with attainment or maintenance of any applicable National Ambient Air Quality Standard, reasonable further progress, or any other applicable requirement of the Clean Air Act. This notice is intended to satisfy the requirements of Section 110(l) of the CAA, 42 U.S.C. § 7410(l) (public notice for SIP revisions).

The following Sections are not part of the SIP and so the Agency will not be submitting these as SIP revisions: Section 214.521; Sections 215.185, 210, 260, 261, 263, 264, 267, 340, 342, 344, 345, 346, 347, 406, 407, and 517; Sections 217.800, 805, 810, 815, 820, 825, 830, 835, 840, 845, 850, 855, 860, 865, and Appendix F; all of Part 228; all of Part 232; Section 237.130; and Section 1000.503.

IV. GEOGRAPHIC REGIONS AND SOURCES AFFECTED

A. Air Regulations

Several of the proposed amendments to air regulations apply statewide. The amendments to Part 201 apply statewide to holders of Agency permits. The amendments to Part 217 apply statewide to fossil fuel-fired stationary boilers, combustion turbines, and combined cycle systems (electrical generating units or EGUs) subject to the provisions proposed to be repealed. As explained above, the Board held that Part 228 was superseded by a federal NESHAP, so the Agency does not implement this Part and therefore no sources will be affected by its repeal. Finally, the proposed amendment to Part 1000 deletes a cross-citation to a provision that impacts the Agency only, so no sources will be impacted.

Other proposed revisions apply to different areas of the State. The applicability of the definitions in Part 211 varies depending on the language of each definition. The amendments to Part 215 cover the areas of the State that Parts 218 and 219 do not affect, as described in Section 215.100. However, the amendment to Section 215.215 only applies to the DMI, Inc. plant in Goodfield, Illinois. The amendments to Part 218, Section 218.204, affect coating sources located in the Chicago ozone NAA as described in 35 Ill. Adm. Code 218.103 (the counties of Cook, DuPage, Kane, Lake, McHenry and Will Counties and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County). The other two amendments to Part

218 correct typographical errors and therefore should not impact any sources. The amendments to Part 219 affect coating sources located in the Metro-East ozone NAA as described in 35 Ill. Adm. Code 219.103 (Madison, Monroe and St. Clair Counties).

Finally, some of the proposed amendments are source-specific. In Part 212, both Sections 212.423 and Section 212.424 apply solely to the portland cement manufacturing plant located in LaSalle County, South of the Illinois River (Section 212.424 also applies to the associated quarry). The amendments to Part 214 are site specific, with Section 214.521 applying to the Village of Winnetka Electric Utility Plant and the amendment to Section 214.561 applying solely to the E.D. Edwards Electric Generating Station in Bartonville. The only amendment to Part 216 is to Section 216.382, which applies to the General Motors plant in Vermillion County. Lastly, the only amendment to Part 237 is to Section 237.130, which applies to the City of Freeport in Stephenson County.

Appendix A to the TSD contains a list of sources that are subject to Part 225 regarding CAIR. TSD at 29. Appendix B contains a list of sources that are subject to Section 215, Subpart N. *Id.* Appendix C contains a list of sources that are subject to Part 232, Toxic Air Contaminants. *Id.*

B. Water Regulations

Amongst the proposed amendments to water regulations, the site-specific rules have the following geographical impacts:

- Section 303.430: McHenry County;
- Section 303.446: Cass, Schuyler, Mason, Menard, and Sangamon Counties;
- Section 303.447: Henry County;
- Section 303.448: Henry and Knox Counties;
- Section 303.353: St. Clair County;
- Section 304.205: Rock Island County;
- Section 304.211: Sangamon County;
- Section 304.213: Will County;
- Section 304.214: Will County;
- Section 304.219: Lake County;
- Section 304.302: Will County, and;
- Section 304.303: Winnebago County.

The amendments to Parts 301, 302, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, and 617 apply statewide.

C. Land Regulations

The amendments to Parts 722, 811, 813, and 855 apply statewide.

V. PURPOSE AND EFFECT OF THE PROPOSAL

As explained in detail above, the proposal seeks to give effect to the Governor's Executive Order No. 2016-13 by repealing sections of the Board's regulations which have become obsolete, outdated, or are unnecessary. Some of the proposed amendments correct errors, provide clarifications, and amend certain provisions consistent with federal regulations and the Act. The Illinois EPA is not proposing any substantive changes, and does not expect its proposed revisions to have any substantive impact upon regulated sources. No sources will be adversely affected.

VI. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

Many of the provisions being repealed concern removing outdated provisions which no longer apply, are duplicative, or are otherwise unnecessary. Other amendments clarify or correct existing requirements. None of the amendments add new emission limits or requirements for the sources in Illinois. Emission sources do not need to install any new controls or incur any costs to meet the requirements of the proposed rule. TSD at 28. As explained above, the Illinois EPA's proposed changes are not expected to have any substantive impact, including economic impact, upon regulated sources; these changes are therefore both technically feasible and economically reasonable.

VII. SUPPORTING DOCUMENTS

A. Documents Relied Upon

The Illinois Administrative Procedure Act (IAPA) provides that all proposed rulemakings must include:

a descriptive title or other description of any published study or research report used in developing the rule, the identity of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information Act.

5 ILCS 100/5-40(b)(3.5). The Board's procedural rules require the same information to be included with any rulemaking proposal filed with the Board. 35 Ill. Adm. Code 102.202(e). The Agency did not consult with a published study or research report when developing its proposal.

B. Incorporations by Reference and Attachments

This portion of the Statement of Reasons provides a list of documents the Agency proposes to incorporate by reference. Section 102.202(d) requires the Agency to submit "[a]ny material to be incorporated by reference within the proposed rule pursuant to section 5-75 of the IAPA [5 ILCS 100/5-75]." The Agency proposes incorporating the following documents by reference:

Part 301

- 1) USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications (available online).
- 2) Code of Federal Regulations (CFR). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202) 783-3238 for 40 CFR 132 (2017) Appendix F, 40 CFR 136 (2017), 40 CFR 141 (2017), 40 CFR 302.4 (2017).

Part 501

ASABE. American Society of Agricultural Biological Engineers, "Management Of Manure Odors," ASABE, EP379.4 (January 2007) and Design of Anaerobic Lagoons for Animal Waste Management," ASABE, EP403.4 (R2011).

Part 615

- 1) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202) 783-3238, 40 CFR 136 (2017), 40 CFR 173 (2017).
- 2) NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 605-6000, "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publications No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB I, (Doc. No. 55-001-00000-1 (available online).

Under the Board's procedural rules, the Agency may not file copyrighted material electronically through the Clerk's Office-On Line. 35 Ill. Adm. Code 101.302(h)(4). Instead, the Agency must either 1) file a paper original and the copyright owner's authorization for the Board to make 2 copies, 2) file a paper original and the proponent's representation that it will acquire and deliver more copies to the Board if needed; or 3) file a license or other documentation that allows the Board to access the document electronically and potentially print three copies. *Id.* The documents incorporated by reference in Parts 301 and 615 are publicly available for free on the internet. With respect to Part 501, multiple copies of this document were previously submitted to the Board by the Agency in the R12-23 proceeding, and the Agency therefore requests the Board not require the Agency to resubmit the materials.

VIII. CONCLUSION

WHEREFORE, for the reasons stated above, the Illinois EPA hereby submits this regulatory proposal and requests the Board adopt these proposed rules for the State of Illinois.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL

PROTECTION AGENCY

By: /s/ Charles E. Matoesian
Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: January 10, 2018

1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
CLEAN-UP)	R18-
AMENDMENTS TO 35 ILL.)	(Rulemaking – Air, Land,
ADM. CODE PARTS 201, 211, 212, 214,)	and Water)
215, 216, 217, 218, 219, 225, 228, 232, 237,)	
301, 302, 303, 304, 306, 309, 401, 402, 403,)	
404, 405, 501, 611, 615, 616, 617, 722, 811,)	
813, 855, AND 1000)	
)	

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, affirm that I have served the attached ILLINOIS EPA's CLEAN-UP AMENDMENTS TO 35 ILL. ADM. CODE PARTS 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, AND 1000 and APPEARANCES of the Illinois Environmental Protection Agency Attorneys, upon the following person(s) by e-mailing it to the e-mail address(es) indicated below:

TO:

Don Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Don.Brown@Illinois.Gov

Division Chief of Environmental Enforcement
Attorney General's Office
James R. Thompson Center
100 West Randolph, 12th Floor
Chicago, Illinois 60601
enviro@atg.state.il.us

Office of the General Counsel
Eric Lohrenz
Illinois Dept. of Natural Resources
1 Natural Resources Way
Springfield, Illinois 62702
eric.lohrenz@illinois.gov

I affirm that my e-mail address is charles.matoesian@illinois.gov; the number of pages in the e-mail transmission is 579; and the e-mail transmission took place today before 5:00 p.m. If you prefer service by mail, please contact me and a copy will be mailed to you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Charles E. Matoesian
Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel
Charles.Matoesian@illinois.gov

DATED: January 10, 2018
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544