



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

December 19, 2019

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

RECEIVED
CLERKS OFFICE

DEC 23 2019

STATE OF ILLINOIS
Pollution Control Board

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 43, Issue 52 of the Illinois Register, dated 12/27/2019.

REGULATORY AGENDA

Permits and General Provisions	
35 Ill. Adm. Code 201	15085
Point of Contact: Don Brown	

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

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JANUARY 2020 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Permits and General Provisions (35 Ill. Adm. Code 201)
- 1) Rulemaking: No docket presently reserved
- A) Description: Under Section 9.16(n) of the Environmental Protection Act, added by Public Act 101-0022 (eff. June 21, 2019), the Illinois Environmental Protection Agency within 180 days after the effective date of the Public Act must submit to the Board proposed rules for ambient air testing of ethylene oxide.
- B) Statutory Authority: Implementing Section 9.16(n) and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.16(n), 27, and 28]
- C) Scheduled meeting/hearing dates: The Board has not yet scheduled hearings on the proposal.
- D) Date agency anticipates First Notice: The second half of calendar year 2020.
- E) Effect on small businesses, small municipalities or not for profit corporations: Entities that may be affected by these proposed rules would include any source or facility that manages or generates ethylene oxide.
- F) Agency contact person for information: Address written comments concerning the substance of this rulemaking to:
- Don Brown, Clerk
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601
312-814-3461
don.brown@illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

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1) Rulemaking: Docket number R20-12

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] requires the Board to adopt rules that are identical-in-substance to exempt from regulation those volatile organic compounds that the United States Environmental Protection Agency (USEPA) has determined are exempt from regulation for ozone due to negligible photochemical reactivity. The Illinois definition of volatile organic material (VOM) lists the federally excluded volatile organic compounds.

USEPA codified the compounds determined by to be exempt from regulation as 40 C.F.R. § 51.100(s). 57 Fed. Reg. 3945 (Feb. 3, 1992). This codified definition includes all the compounds and classes of compounds excluded by USEPA. The Illinois definition of VOM, codified at 35 Ill. Adm. Code 211.7150, corresponds with USEPA's definition.

The Board reserved docket number R20-12 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R20-12, as appropriate.

Section 9.1(e) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2019, the due date for Board adoption of amendments in docket R20-12 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-12.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to 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: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- 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, noting docket number R20-12, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R20-12, as follows:

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Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

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

- c) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 243)

- 1) Rulemaking: Docket number R20-11

- A) Description: Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] requires the Board to adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA) pursuant to section 109 of the federal Clean Air Act (42 USC § 7409).

USEPA 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.

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The Board reserved docket number R20-11 to accommodate any amendments to the federal NAAQS that USEPA may adopt between December 31, 2019 and June 30, 2019.

The Board is presently aware of one pertinent federal action during this update period:

September 13, 2019 (84 Fed. Reg. 48286): USEPA redesignated Williamson County as attainment/unclassifiable for the 2010 primary one-hour NAAQS for sulfur dioxide.

September 26, 2019 (84 Fed. Reg. 50833): USEPA designated a new federal reference method (FRM) for monitoring nitrogen dioxide in ambient air.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois ambient air quality standards using the identical-in-substance procedure or dismiss this docket R20-11, as appropriate.

Section 10(H) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. USEPA adopted an amendment that will require Board action on September 13, 2019, the due date for Board adoption of amendments in docket R19-16 is September 13, 2020.

To meet a due date of September 13, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by early June 2020. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-11.

- 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. The Board would propose any amendments according to Sections 27 and 28 of

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the Act [415 ILCS 5/27 & 28]. The Board may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.

- D) Date agency anticipates First Notice: Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- 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 docket number R20-11, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R20-11, as follows:

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

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michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 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 publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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

- 1) Rulemaking: Docket number R20-10

- A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] requires the Board to adopt Illinois rules that are identical-in-substance to wastewater pretreatment rules adopted by the United States Environmental Protection Agency (USEPA) under sections 307(a), (b), and (c) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(a), (b), and (c) and 1342(b)(8) and (b)(9)).

The Board has reserved docket number R20-10 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure or dismiss docket R20-10, as appropriate.

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Section 13.3 of the Act requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2019, the due date for Board adoption of amendments in docket R20-10 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-10.

- 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: None scheduled at this time. The Board would propose any amendments according to 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: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- 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

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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, noting docket number R20-10, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R20-10, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307 or 310 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

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

- e) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket number R20-13

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- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] requires the Board to adopt Illinois rules that are identical-in-substance to update the Illinois drinking water requirements adopted by the United States Environmental Protection Agency (USEPA) under sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a), and 300j-4). The USEPA requirements may amend national primary drinking water regulations (NPDWRs), public notice requirements, restrictions on use of lead in plumbing, and monitoring and recordkeeping requirements.

The Board reserved docket number R20-13 to accommodate any amendments to NPDWRs, 40 CFR 141 through 143, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board actions required in response. The Board will then propose necessary amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R20-13, as appropriate.

Section 17.5 requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2019, the due date for Board adoption of amendments in docket R20-7 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-7.

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

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

- D) Date agency anticipates First Notice: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- 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, noting docket number R20-13, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R20-13, as follows:

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

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312-814-6924

michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

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

- f) 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)

- 1) Rulemaking: Presently reserved docket number R20-14

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] requires the Board to adopt Illinois rules that are identical-in-substance to underground injection control (UIC) rules adopted by the United States Environmental Protection Agency (USEPA) under section 1421 of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. § 300h).

The Board reserved docket number R20-14 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 147, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R20-14, as appropriate.

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Section 13(c) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2019, the due date for Board adoption of amendments in docket R20-14 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-14.

- 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 would propose any amendments according to 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: Section 13(c) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, this rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- 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.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-14, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R20-14, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 702, 704, 705, 720, or 730 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

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

- g) 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

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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 R20-16

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] requires the Board to adopt Illinois rules that are identical-in-substance to hazardous waste management standards adopted by the United States Environmental Protection Agency (USEPA) to implement sections 3001 through 3005 of Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6921 through 6925).

The Board reserved docket number R20-16 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 148, 260 through 270, 273, and 279, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois federal RCRA Subtitle C-derived hazardous waste regulations using the identical-in-substance procedure or dismiss docket R20-16, as appropriate.

Section 22.4(a) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2019, the due date for Board adoption of amendments in docket R20-14 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by mid-March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-4.

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- 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 would propose any amendments according to 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: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- 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 docket number R20-16, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R20-16, as follows:

Michael J. McCambridge, Attorney

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Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 720 through 728, 733, 738, or 739 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 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 publish a Notice of Proposed Amendments 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): Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R20-9

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] requires the Board to adopt Illinois rules that are identical-in-substance to underground storage tank (UST) regulations adopted by the United States Environmental Protection Agency (USEPA) pursuant to section 9003 of Subtitle I of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991b (2017)). 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 reserved docket number R20-9 to accommodate any amendments to the RCRA Subtitle I regulations, 40 CFR 281 through 283, that USEPA may adopt between July 1, 2019 and December 31, 2019.

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By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R20-9, as appropriate.

Section 22.4(d) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2019, the due date for Board adoption of amendments in docket R20-9 is July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-9.

- 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 would propose any amendments according to 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: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking 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, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

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- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a UST.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-9, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R20-9, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 731 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 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 publish a Notice of Proposed Amendments 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): 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.

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Code 813); Interim 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: Presently reserved docket number R20-15

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] requires the Board to adopt Illinois rules that are identical-in-substance to municipal solid waste landfill (MSWLF) rules adopted by the United States Environmental Protection Agency (USEPA) under sections 4004 and 4010 of Subtitle D of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6949 and 6949a).

The Board reserved docket number R20-15 to accommodate any amendments to the RCRA Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R20-15, as appropriate.

Section 22.40(a) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2019, the due date for Board adoption of amendments in docket R20-15 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-15.

- 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].

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- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to 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: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- 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 docket number R20-15, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R20-15, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 807 or 810 through 815 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 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 publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- j) Parts (Heading and Code Citation): General Provisions (35 Ill. Adm. Code 1420)

- 1) Rulemaking: Docket Number R20-17

- A) Description: The Illinois Environmental Protection Agency (IEPA) filed a proposal on January 10, 2018 to update the Board's rules. The IEPA's filing was prompted by Executive Order 2016-13, which requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Board accepted IEPA's proposal and opened eight additional rulemaking dockets—each one limited to nonsubstantive revisions to a subtitle of the Board's rules—on March 22, 2018. Among them was a docket for Subtitle O, for which IEPA proposed no amendments.

During its review, the Board discovered a specific substantive issue with the definition of "Class 4 etiologic agent." In this rulemaking, the Board considers substantively amending the definition of "Class 4 etiologic Agent" contained in the Board's potentially infectious medical waste (PIMW) regulations, within Subtitle M of the Illinois Administrative Code's Title 35. The PIMW rules regulate the treatment, packaging, labeling, storage, transportation, and disposal of this type of waste, and apply to generators, transporters, and receiving facilities of this waste.

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- B) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 & 27].
- C) Scheduled meeting/hearing dates: The Board intends to hold at least two hearings during the public comment period by videoconference in Chicago and Springfield.
- D) Date agency anticipates first notice: The Board expects to consider this rulemaking for first notice publication in the *Illinois Register* in the Summer of 2020.
- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking may have an effect any small business, small municipality, or not-for-profit corporation that engages in the treatment, packaging, labeling, storage, transportation, and disposal of PIMW.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Chloe Cummings
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-3665
Chloe.Cummings@Illinois.Gov

- G) Related rulemakings and other pertinent information: None