

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) **R18-28**
SUBTITLE I: ATOMIC RADIATION) **(Rulemaking – Atomic Radiation)**

NOTICE

TO:

Chloe Cummings, Hearing Officer
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
Renee Snow
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 RESPONSES TO QUESTIONS POSED BY ILLINOIS POLLUTION CONTROL BOARD, a copy of which is herewith served upon you.

Dated: January 28, 2020

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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AMENDMENTS TO 35 ILL. ADM. CODE) **R18-28**
SUBTITLE I: ATOMIC RADIATION) **(Rulemaking – Atomic Radiation)**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S RESPONSES TO
QUESTIONS POSED BY ILLINOIS POLLUTION CONTROL BOARD**

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA" or “Agency”), by its attorney, Charles E. Matoesian, files this response to the questions of the Illinois Pollution Control Board’s (“Board”) attached to the Board’s Order of December 19, 2019.

1. Does IEPA consider it appropriate to add an incorporation by reference section to 35 Ill. Adm. Code Part 1000?

Adding an incorporation by reference section would be consistent with many other Board regulations. The Agency would simply note that this rule has not been updated for over thirty years; it is unclear what “versions” of the incorporated documents should be identified and whether updating the incorporation by reference date will have any substantive impact on the rule provisions.¹

2. Should the required modes of communication in 35 Ill. Adm. Code Section 1000.502 be updated and, if so, how?

Yes, the forms listed should be amended to exclude telegraph, as obsolete. The Agency recommends the following updates:

All person subject to this Part shall immediately notify by telephone and by either first class mail telegraph, mailgram, or facsimile, the Manager of the Office of Nuclear Facility Safety of the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704 . . .

¹ 35 Ill. Adm. Code Part 1000 was adopted pursuant to a proposal by the Illinois Department of Nuclear Safety, now Part of the Illinois Emergency Management Agency (“IEMA”). See, R82-2: *In the Matter of: Title 35: Environmental Protection Subtitle I: Atomic Radiation Chapter I: Pollution Control Board Part 1000: Radiation Hazards*. The Board may wish to consult IEMA about this and any additional questions that may arise.

The Illinois Department of Nuclear Safety has been reorganized and is now part of the IEMA. As such, IEMA's new address will also need to be substituted. The Board may wish to reach out to IEMA regarding its preferred method of notification and the appropriate contacts.

3. Is the contact information in 35 Ill. Adm. Code Section 1000.502 accurate? If not, how should it be revised?

The address for IEMA is:

Illinois Emergency Management Agency
2200 South Dirksen Parkway
Springfield, Illinois 62703

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

By: /s/ Charles E. Matoesian
Charles E. Matoesian
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Charles.Matoesian@illinois.gov

DATED: January 28, 2020

1021 N. Grand Ave. East
P.O. Box 19276
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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, affirm that I have served the attached ILLINOIS EPA's RESPONSES TO QUESTIONS POSED BY ILLINOIS POLLUTION CONTROL BOARD, upon the following person(s) by e-mailing it to the e-mail address(es) indicated below:

TO:

Chloe Cummings, Hearing Officer
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Chloe.Cummings@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
Renee Snow
Illinois Dept. of Natural Resources
1 Natural Resources Way
Springfield, Illinois 62702
Renee.Snow@illinois.gov

I affirm that my e-mail address is charles.matoesian@illinois.gov; the number of pages in the e-mail transmission is 5; 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 28, 2020
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