



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

July 3, 2023

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

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 47, Issue 27 of the Illinois Register, dated 7/7/2023.

REGULATORY AGENDA

Definitions and General Provisions

35 Ill. Adm. Code 211

9527

Point of Contact: Shannon Bilbruck

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

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

1) Rulemaking: Docket number R24-8

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 R24-8 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may adopt between January 1, 2023 and June 30, 2023. To date, the Board has found one USEPA action relating to the definition of VOM during this period:

February 8, 2023 (88 Fed. Reg. 8226): USEPA revised the regulatory definition of "volatile organic compound" by adding one compound to those excluded from that definition.

By about mid-August 2023, 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 R24-8, 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, January

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

1, 2023, the due date for Board adoption of amendments in docket R24-8 would January 1, 2024.

To meet a due date of January 1, 2024, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2023. 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 R24-8.

- 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) Affect 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

- F) Agency contact person for information: Address questions or written comments concerning the substance of the rulemaking, noting docket number R24-8, as follows:

Don A. Brown, Clerk
Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@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 Sections 27 and 28, it may initiate a rulemaking at any time [415 ILCS 5/27 and 28].

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

- 1) Rulemaking: Docket number R24-7

- 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, which includes provisions for monitoring ambient air quality. Other federal regulations relate to the NAAQS, including 40 CFR 53, which establishes procedures for approving equivalent and reference methods, and 40 CFR 81, which designates air quality monitoring regions and their attainment/non-attainment status.

The Board reserved docket number R24-7 to accommodate any amendments to the federal NAAQS that USEPA may adopt between January 1, 2023, and June 30, 2023. To date, the Board has found no USEPA action during this period that requires Board action.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

By about mid-August 2023, 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 in this docket R24-7.

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. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, the due date for Board adoption of amendments in docket R24-7 would be January 1, 2024.

To meet a due date of January 1, 2024, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2023. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments.

- 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 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].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

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

- E) Affect 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 a NAAQS.
- F) Agency contact person for information: Address questions or written comments concerning the substance of the rulemaking, noting docket number R24-7, as follows:

Don A. Brown, Clerk
Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@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 Sections 27 and 28, it may initiate a rulemaking at any time [415 ILCS 5/27 and 28].
- c) Parts (Headings and Code Citations): Sewer Discharge Criteria (35 Ill. Adm. Code 307); Pretreatment Programs (35 Ill. Adm. Code 310)
- 1) Rulemaking: Docket number R24-6
- 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)).

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

The Board has reserved docket number R24-6 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that USEPA may adopt between January 1, 2023 and June 30, 2023. To date, the Board found no USEPA actions during this period that require Board action.

By about mid-August 2023, 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 R24-6, as appropriate.

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, January 1, 2023, the due date for Board adoption of amendments in docket R24-6 would be January 1, 2024.

To meet a due date of January 1, 2024, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2023. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendments to the Illinois wastewater pretreatment rules are needed, the Board will promptly dismiss the reserved docket R24-6.

- 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

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) Affect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address questions or written comments concerning the substance of the rulemaking, noting docket number R24-6, as follows:

Don A. Brown, Clerk
Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@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 Sections 27 and 28, it may initiate a rulemaking at any time [415 ILCS 5/27 and 28].

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

1) Rulemaking: Docket number R24-1

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-

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

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 R24-1 to accommodate any amendments to NPDWRs, 40 CFR 141 through 143, that USEPA may adopt between January 1, 2023, and June 30, 2023. To date, the Board has found no USEPA action during this period that requires Board action.

By about mid-August 2023, the Board will determine whether other 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 in this docket R24-1.

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. Because USEPA adopted amendments requiring Board action on January 1, 2023, the due date for Board adoption of amendments in docket R24-1 is January 1, 2024.

To meet a due date of January 1, 2024, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2023. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendments to the Illinois wastewater pretreatment rules are needed, the Board will promptly dismiss the reserved docket R24-1.

- 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

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) Affect 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 questions or written comments concerning the substance of the rulemaking, noting docket number R24-1, as follows:

Don A. Brown, Clerk
Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@illinois.gov

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

However, if the Board receives a rulemaking proposal under Sections 27 and 28, it may initiate a rulemaking at any time [415 ILCS 5/27 and 28].

- e) 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 R24-2

- 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 R24-2 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 147, that USEPA may adopt between January 1, 2023, and June 30, 2023. To date, the Board has found no USEPA amendments to the UIC standards during this period that require Board action.

By about mid-August 2023, 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 R24-2, as appropriate.

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 January 1, 2023, the due date for Board adoption of amendments in docket R24-2 would be January 1, 2024.

To meet a due date of January 1, 2024, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2023. This would allow the Board to accept public comments on the proposal for 45 days before adopting any

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R24-2.

- 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 5/13(c)] 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) Affect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address questions or written comments concerning the substance of the rulemaking, noting docket number R24-2, as follows:

Don A. Brown, Clerk
Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, Illinois 60605

312-814-3461

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

don.brown@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 Sections 27 and 28, it may initiate a rulemaking at any time [415 ILCS 5/27 and 28].
- f) Parts (Headings and Code Citations): RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702); RCRA Permit Program (35 Ill. Adm. Code 703); Procedures for Permit Issuance (35 Ill. Adm. Code 705); Hazardous Waste Management System: General (35 Ill. Adm. Code 720); Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721); Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722); Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723); Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724); Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725); Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726); Land Disposal Restrictions (35 Ill. Adm. Code 728); Standards for Universal Waste Management (35 Ill. Adm. Code 733); Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738); Standards for the Management of Used Oil (35 Ill. Adm. Code 739)
- 1) Rulemaking: Docket number R24-4
- 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 R24-4 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 January 1, 2023, and June 30, 2023. To date, the Board has found no USEPA actions relating to the RCRA Subtitle C standards during this period that will require Board action.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

By about mid-August 2023, 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 R24-4, 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, January 1, 2023, the due date for Board adoption of amendments in docket R23-12 would be January 1, 2024.

To meet a due date of January 1, 2024, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2023. 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 R24-4.

- 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].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

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

E) Affect 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 questions or written comments concerning the substance of the rulemaking, noting docket number R24-4, as follows:

Don A. Brown, Clerk
Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@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 Sections 27 and 28, it may initiate a rulemaking at any time [415 ILCS 5/27 and 28].

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

1) Rulemaking: Docket number R24-5

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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

The Board reserved docket number R24-5 to accommodate any amendments to the RCRA Subtitle I regulations, 40 CFR 281 through 283, that USEPA may adopt between January 1, 2023, and June 30, 2023. To date, the Board has found no USEPA amendments to the UST standards during this period that require Board action.

By about mid-August 2023, 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 R24-5, 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 January 1, 2023, the due date for Board adoption of amendments in docket R24-5 is January 1, 2024.

To meet a due date of January 1, 2024, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2023. 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 R24-5.

- 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,

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

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.

- E) Affect 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 questions or written comments concerning the substance of the rulemaking, noting docket number R24-5, as follows:

Don A. Brown, Clerk
Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@illinois.gov

- 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 Sections 27 and 28, it may initiate a rulemaking at any time [415 ILCS 5/27 and 28].
- h) Parts (Headings and Code Citations): Solid Waste (35 Ill. Adm. Code 807); Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810); Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811); Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812); Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813); 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 R24-3

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

- 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 R24-3 to accommodate any amendments to the RCRA Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may adopt between January 1, 2023, and June 30, 2023. To date, the Board has found no USEPA amendments to the MSWLF rules during this period that require Board action.

By about mid-August 2023, 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 R24-3, 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, January 1, 2023, the due date for Board adoption of amendments in docket R24-3 would be January 1, 2024.

To meet a due date of January 1, 2024, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late September 2023. 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 R24-3.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2023 REGULATORY AGENDA

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) Affect 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 questions or written comments concerning the substance of the rulemaking, noting docket number R24-3, as follows:

Don A. Brown, Clerk
Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, Illinois 60605

312-814-3461
don.brown@illinois.gov

- 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 Sections 27 and 28, it may initiate a rulemaking at any time [415 ILCS 5/27 and 28].