

ILLINOIS POLLUTION CONTROL BOARD
February 8, 2018

IN THE MATTER OF:)
)
CLEAN-UP: AMENDMENTS TO 35 ILL.) R18-21
ADM. CODE PARTS 201, 211, 212, 214, 215,) (Rulemaking – Air, Land, and Water)
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, 812,)
855, and 1000)

Proposed Rule.

ORDER OF THE BOARD (by K. Papadimitriou):

The Illinois Environmental Protection Agency (Agency) proposes a comprehensive update to the Board’s rules. The proposed amendments arise from Executive Order 2016-13, issued by Governor Rauner, which requires all state agencies under jurisdiction of the Governor to undertake a comprehensive review of existing rules and regulations. The purpose of the review is to determine which regulations are outdated, repetitive, confusing, unnecessary or harmful to the economy. In response to this order, the Agency began reviewing Board regulations and identifying provisions that could be potentially revised or repealed. The Agency addresses regulations impacting air, water, and land throughout Title 35. In general, the Agency proposes amendments that address now obsolete, duplicative, or unnecessary regulations.

Below the Board will give a procedural overview of this proceeding and a brief description of the Agency’s proposal. The Board will then explain how it will proceed in this matter.

BACKGROUND

The Agency filed the proposal on January 10, 2018. The proposal included a statement of reasons (SR), proposed amendments, and technical support documents (TSD) for updating Title 35. In the statement of reasons, the Agency proposes to revise or repeal specific portions of Board regulations which have become obsolete, duplicative, or unnecessary. (SR at 2).

PROPOSAL

Concerning air regulations, the Agency proposes amending Parts 201, 201, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, and 1000. The Agency explains that the proposed amendments are emission-neutral and do not impact the overall goals of attainment or non-attainment. TSD at 2. Furthermore, the Agency intends for the amendments to be administrative in nature. *Id.* For example, the amendments clarify definitions, eliminate unnecessary citations, correct typographical errors, or eliminate duplicative regulations. Thus, the Agency notes the proposed amendments will neither affect emissions levels of any pollutant nor will the

amendments impact progress towards achieving National Ambient Air Quality Standards. TSD at 2. However, due to the scope of the air regulation amendments, the proposal involves various Illinois State Implementation Plans [SIP's]. *Id.* SIP revisions are required to undergo public notice and opportunity for hearing before they may be submitted to USEPA for approval pursuant to 40 C.F.R. 51.102 and Appendix V, 2.1 (g). The Board's rules provide for notice that meets this requirement at 35 Ill. Adm. Code 102.416.

Concerning water regulations, the Agency proposes amending 35 Parts 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, and 617. The Agency intends for the proposed amendments to be non-substantive and delete outdated, duplicative, or unnecessary regulations. For example, in Section 301.331, the Agency proposes to repeal the term "outlier" because it is not used throughout the Board's Subtitle C rules. SR at 14. Changes like this do not affect the overall purpose of the Act, but rather, seek to update and improve regulations. SR at 12-13.

Finally, concerning land regulations, the Agency proposes amending Title 35 Part 722, 811, 813, and 855. SR at 30. The Agency intends these amendments to be non-substantive and delete outdated, duplicative, or unnecessary regulations. *Id.* In Parts 722, 811, and 855, the Agency proposes deleting the requirements to submit generator copies of manifests to the Agency because it is no longer required pursuant to P.A. 99-55, eff. July 16, 2015; 415 ILCS 5/22.02 (2016). In Part 813, the Agency proposes extending the permitting term for municipal landfills from 5 years to 10 years in order to lessen the administrative burden. SR at 31.

DISCUSSION

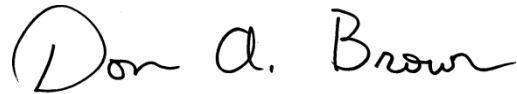
The Board accepts the proposed amendments for hearing. The Board intends to hold hearings on the proposal; however, at this time the Board is not providing a copy of the proposed language for public comment. The Board will continue to review the Agency's proposal and may add additional Parts and sections to this comprehensive review. The Board recognizes that the proposed language in this proceeding is intended to be non-substantive, designed to remove obsolete, repetitive, confusing, or unnecessary language from the rules. If a participant believes any part of the proposal is substantive, the Board will address that in later orders. Interested persons are encouraged to contact the Clerks' Office to be added to the docket's notice list.

CONCLUSION

The Board accepts the Agency proposal for hearing and intends to address the proposal in subsequent orders.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 8, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Clerk

Illinois Pollution Control Board