

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2006 REGULATORY AGENDA

a) Part (Headings and Code Citations):

ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS (2 Ill. Adm. Code 2175)

1) Rulemaking: R04-09

A) Description:

2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's offices, including their addresses and telephone numbers. The Board has changed the location of some of the satellite offices and needs to amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.

B) Statutory authority:

Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].

C) Scheduled meeting/hearing dates:

Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2006.

E) Effect on small business, small municipalities, or not-for-profit corporation:

There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including

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to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-anticipated proceedings would affect the text of Part 2175.

b) Parts (Headings and Code Citations):

GENERAL RULES (35 Ill. Adm. Code 101)
REGULATORY AND INFORMATIONAL HEARINGS AND PROCEEDINGS (35 Ill. Adm. Code 102)
ENFORCEMENT (35 Ill. Adm. Code 103)
REGULATORY RELIEF MECHANISMS (35 Ill. Adm. Code 104)
APPEALS OF FINAL DECISIONS OF STATE AGENCIES (35 Ill. Adm. Code 105)

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PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS
(35 Ill. Adm. Code 106)

PETITION TO REVIEW POLLUTION CONTROL FACILITY SITING DECISIONS
(35 Ill. Adm. Code 107)

ADMINISTRATIVE CITATIONS (35 Ill. Adm. Code 108)

TAX CERTIFICATIONS (35 Ill. Adm. Code 125)

IDENTIFICATION AND PROTECTION OF TRADE SECRETS AND OTHER NON-
DISCLOSABLE INFORMATION (35 Ill. Adm. Code 130)

1) Rulemaking: R04-08

A) Description:

The Board is preparing a rulemaking to amend its procedural regulations to allow for electronic filings in all Board proceedings through the Board's new "Clerk's Office On-Line" (COOL). The Board's new filing procedure will allow for electronic filings and payment of filing fees.

B) Statutory authority:

Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

C) Scheduled meeting/hearing dates:

The Board has held two hearings in this rulemaking.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2006

E) Effect on small business, small municipalities, or not-for-profit corporation:

There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include

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enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently anticipated proceedings would affect the text of Parts 101 through 130.

c) Part (Heading and Code Citation):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R06-14

A) Description:

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States

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Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R06-14 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2005 through December 31, 2005. At this time, the Board is not aware of any federal amendments to the federal definition of VOM that occurred during this update period.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R06-14, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R06-14, if the earliest federal amendments in the applicable period are assumed to have occurred on the first day of the update period, on July 1, 2005, the due date for Board adoption would be July 1, 2006.

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 will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The

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Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2006, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2006. 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 would promptly dismiss this reserved docket.

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 R06-14, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R06-14, as follows:

Name: Michael J. McCambridge, Attorney

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Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

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 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] 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 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.

d) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE CHICAGO AREA (35 Ill. Adm. Code 218)
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE METRO EAST AREA (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description:

The IEPA is currently developing amendments for proposal to the Board of Part 218 and Part 219 concerning motor vehicle refinishing. This involves amending the equipment requirements of the Parts to allow the use of paint applicator equipment that achieves the same or better transfer efficiency as the required High Volume Low Pressure (HVLP) equipment.

B) Statutory authority:

Implementing and authorized by Sections 9.8, 27, 28.2 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2].

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C) Scheduled meeting/hearing dates:

The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer of 2006. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 of the Environmental Protection Act [415 ILCS 5/27] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2006. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that are involved in motor vehicle refinishing. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments give greater flexibility to sources.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: 1021 North Grand Avenue East
P.O. Box 19274

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Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conley@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Name: Charles Matoesian
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

e) Part (Headings and Code Citations):

SOLVENT CLEANING (35 Ill. Adm. Code 218 and 219)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency is preparing a rulemaking relating to an alternative to the current cold cleaning provision requiring the use of solvent with a vapor pressure no greater than 1.0mm Hg (0.019 psi). The alternative is an alternative control plan employing add-on control devices that demonstrate at least 95 percent overall capture and control of emissions from cold cleaning operations.

B) Statutory authority:

Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting /hearing date:

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The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2006. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2006. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule change may affect any small business, small municipality, or not-for-profit corporation subject to the Board's Cold Cleaning Degreaser rules.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
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Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
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Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

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For information regarding the Illinois EPA's development of this proposal, please contact:

Name: Annet Godiksen
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544

f) Part (Headings and Code Citations):

NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217)

1) Rulemaking: No docket number presently assigned.

A) Description:

The proposal would amend Part 217 to update the incorporations by reference; to reflect the Agency's authority to sell certain allowances and clarify the compliance dates for sources affected by Subparts T, U, and W, pursuant to amendments to Section 9.9 of the Act; clarify the low-emitter provisions for Subpart U and remove the low-emitter provisions for Subpart W units; clarify that certain CO boilers are exempt from the provisions of Subpart U; clarify the dates that applications must be submitted, and the dates and control periods for which the Agency will allocate allowances; as well as amend to the Appendices to track name and allocation changes. These Subparts regulate emissions of NO_x emissions from boilers and turbines serving electric generator units greater than 25 megawatts; boilers and turbines with heat input greater than 250 mmBtu/hr; and large cement kilns with ozone season emissions greater than one ton.

Additional amendments to Part 217, will be proposed to address Phase II of the NO_x SIP call, that required affected states, including Illinois, to regulate the NO_x emissions from large stationary internal combustion engines. (69 *Fed. Reg.* 21604 (April 21, 2004)). This proposal may also include regulating NO_x emissions from smaller engines and turbines not covered by Subparts U and W, as part of the State's obligation to meet NO_x reasonably available control technology requirements (RACT) for the

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new 8-hour ozone National Ambient Air Quality Standard (NAAQS). (69 Fed. Reg. 23951 (April 30, 2004)).

B) Statutory authority:

Implementing and authorized by Sections 9, 9.9, 10, 27, and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.9, 10, 27, and 28.5, (2003)].

C) Scheduled meeting/hearing dates:

None yet scheduled.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2006.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small businesses, small municipalities, or not-for-profit corporations that are subject to the NO_x Trading Program could be affected by the proposed amendments.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
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Springfield, Illinois 62794-9276

Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 524-3337
Internet: epa8856@epa.state.il.us

g) Part (Heading and Code Citation):

PORTABLE FUEL CONTAINERS (35 Ill. Adm. Code 218 and 219)

1) Rulemaking: No docket presently reserved.

A) Description:

This rulemaking will address emissions from portable fuel containers.

B) Statutory authority:

Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]

C) Scheduled meeting /hearing date:

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2006. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

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D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2006. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation utilizing portable fuel containers.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Illinois EPA's development of this proposal, please contact:

Name: Charles Matoesian
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276

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Springfield, Illinois 62794-9276
Telephone: (217) 782-5544
Internet: epa8855@epa.state.il.us

h) Part (Heading and Code Citation):

COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS (35 Ill. Adm. Code 225)

1) Rulemaking: No docket presently reserved.

A) Description:

On December 1, 2000, pursuant to Sections 111(d) and 129 of the Clean Air Act, the USEPA promulgated emission guidelines for commercial and industrial solid waste incinerators (65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to units that commenced construction on or before November 30, 1999, and units where reconstruction or modification commenced prior to June 1, 2001.

B) Statutory Authority:

Implementing Sections 10, 39 and 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 39 and 39.5] and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

A Spring or Summer of 2006 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations:

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The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate Existing Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators.

F) Agency and Board contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 524-3337
Internet: epa8856@epa.state.il.us

i) Part (Heading and Code Citation):

AIR QUALITY STANDARDS (35 Ill. Adm. Code 243)

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1) Rulemaking: No docket presently reserved.

A) Description:

This rulemaking will make amendments to address the new PM 2.5 standard and incorporate the new 8-hour ozone standard.

B) Statutory authority:

Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2006. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule will not directly affect any small business, small municipality, or not-for-profit corporation.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite

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Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
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Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Illinois EPA's development of this proposal, please contact:

Name: Charles Matoesian
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544
Internet: epa8855@epa.state.il.us

j) Part (Heading and Code Citation):

CONTROL OF MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC GENERATING UNITS (New Part)

1) Rulemaking: No docket presently reserved.

A) Description:

This rulemaking will address mercury emissions from coal-fired electric generating units.

B) Statutory authority:

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Implementing Section 9.10 of the Environmental Protection Act [415 ILCS 5/9.10]

C) Scheduled meeting /hearing date:

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2006. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 or 28.5 of the Environmental Protection Act [415 ILCS 5/27 and 28 or 28.5].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2006. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule is not anticipated to affect small businesses or not-for-profit corporations, but may affect small municipalities owning and operating coal-fired electric generating units.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East

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G) Related rulemaking and other pertinent information:

For information regarding the Illinois EPA's development of this proposal, please contact:

Name: Charles Matoesian
Gina Roccaforte
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544

k) Part (Heading and Code Citation):

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

1) Rulemaking: R04-25

A) Description:

This rulemaking is based on a proposal filed on April 19, 2004 by the Illinois Association of Wastewater Agencies (IAWA). IAWA seeks to amend the Board's rule establishing general use water quality standards for dissolved oxygen (35 Ill. Adm. Code 302.206). Under the existing Board water quality standard, dissolved oxygen must not be less than 6.0 milligrams per liter (mg/L) during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time. The proposal filed by IAWA seeks to amend these standards by explicitly providing that dissolved oxygen be determined on a monthly basis and specifying that (a) during the months of July through February, dissolved oxygen must not be less than a one-day minimum concentration of 3.5 mg/L, and a seven-day mean minimum of 4.0 mg/L, and (b) during the months of March through June, dissolved oxygen must not be less than a one-day minimum concentration of

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5.0 mg/L, and a seven-day mean of 6.0 mg/L. IAWA also proposed definitions of “mean minimum” and “mean.”

B) Statutory authority:

Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27]

C) Scheduled meeting /hearing date:

The Board has held hearings in this rulemaking on June 29, 2004, August 12, 2004, and August 25, 2005.

D) Date agency anticipates First Notice:

The Board anticipates that this rulemaking might be adopted for first notice publication sometime in Spring or Summer of 2006.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite
11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East

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P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information:
See item (I) below for possible amendments that would also affect Part 302.

l) Part (Heading and Code Citation):

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

- 1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the water quality standards for total dissolved solids, sulfate and chloride. These amendments revise and add numeric water quality standards for the protection of aquatic life. The amended water quality standards will be used by the Illinois Environmental Protection Agency in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this

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proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2006. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite
11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Illinois EPA's development of this proposal, please contact:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency

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1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il. 62794-9276
217-782-1654

m) Part (Heading and Code Citation):

WATER USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY
STANDARDS (35 Ill. Adm. Code 303)

1) Rulemaking: No docket presently reserved.

A) Description:

35 Ill. Adm. Code 303 contains the Board's water use designations for all bodies of water in the State of Illinois with use designations other than general use. The IEPA has established a workgroup to conduct a Use Attainability Analysis, pursuant to 40 C.F.R. §131.10, of the portions of the lower Des Plaines River that are currently classified as secondary contact and indigenous aquatic life waters pursuant to 35 Ill. Adm. Code 303.441. In addition, the IEPA is preparing a rulemaking proposal for filing before the Board will recommend updating and/or upgrading the use designation of the lower Des Plaines River from its confluence with the Sanitary and Ship Canal to the Interstate 55 bridge.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2006. After the filing of a proposal by the IEPA, the

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Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the lower Des Plaines River.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information:

For information regarding the Illinois EPA's development of this proposal, please contact:

Deborah J. Williams
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il. 62794-9276
217-782-5544

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n) Parts (Headings and Code Citations):

SEWER DISCHARGE CRITERIA (35 Ill. Adm. Code 307)
PRETREATMENT PROGRAMS (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R06-13

A) Description:

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R06-13 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2005 through December 31, 2005. At this time, the Board is aware of two sets of federal amendments to the federal wastewater pretreatment regulations that occurred during this update period. Those sets are described as follows:

70 Fed. Reg. 59848 (October 13, 2005)

USEPA adopted requirements for electronic filing of required documents, such as permit applications and reports, under the various federal programs, including federally authorized state programs. The amendments affect, *inter alia*, the drinking water, underground injection control, municipal solid waste landfill, hazardous waste, underground storage tank, and wastewater pretreatment regulations. (The Board may require any electronic filings to comply with the new federal requirements, as incorporated by reference in Section 310.107.)

70 Fed. Reg. 60134 (October 14, 2005)

USEPA adopted amendments to the general wastewater pretreatment requirements. USEPA stated that the amendments were intended to make the wastewater requirements more consistent with those applicable to direct dischargers. USEPA intends that the amendments will decrease the regulatory burden

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on industrial users without adverse effects on environmental protection and that the amendments will allow a greater focus of oversight resources on industrial users that have the greatest potential to affect POTW operations. (The Board must make corresponding changes to the Illinois pretreatment regulations.)

The Board will verify the existence of any federal actions that may affect the text of the federal wastewater pretreatment regulations and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R06-13, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R06-13, if the earliest federal amendments in the applicable period are assumed to have occurred on October 13, 2005, the due date for Board adoption would be October 13, 2006.

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 will vote to propose any amendments at an open meeting in accordance with requirements established by 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:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be October 13, 2006, the Board will vote to propose amendments and cause a Notice of Proposed

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Amendments to appear in the *Illinois Register* by early August 2005. 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 wastewater pretreatment rules is needed, the Board would promptly dismiss this reserved docket.

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 pretreatment 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 written comments concerning the substance of the rulemaking, noting docket number R06-13, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R06-13, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] 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.

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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.

o) Part (Heading and Code Citation):

STANDARDS FOR SLUDGE MANAGEMENT (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved

A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge that is applied to land.

B) Statutory authority:

Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

C) Schedule meeting/hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the Spring or Summer of 2006. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

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This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The IEPA anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Name: Stefanie Diers
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Name: Alan Keller, P.E.
Manager, Northern Municipal Unit
Address: Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-0810

p) Parts (Heading and Code Citation):

AGRICULTURE RELATED WATER POLLUTION (35 Ill. Adm. Code Subtitle E)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) will prepare a rulemaking proposal for filing before the Board Relating to the new Concentrated Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were signed by USEPA on December 15, 2002. The IEPA anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations and caselaw reviewing these regulations. See, *Waterkeeper Alliance et al v. U.S. EPA*, 399 F.3d 486 (2d Cir. 2005).

B) Statutory Authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

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D) Date agency anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2006. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small businesses, small municipalities or not for profit corporations:

This rule could affect any agri-business that meets the federal definition of a Concentrated Animal Feeding Operation.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Deborah J. Williams
Address: Illinois Environmental Protection Agency

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Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-5544

q) Part (Heading and Code Citation):

PRIMARY DRINKING WATER STANDARDS (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R06-15

A) Description:

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R06-15 to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2005 through December 31, 2005. At this time, the Board is aware of one set of federal amendments to the federal national primary drinking water regulations that occurred during this update period. That set of amendments is described as follows:

70 Fed. Reg. 59848 (October 13, 2005)

USEPA adopted requirements for electronic filing of required documents, such as permit applications and reports, under the various federal programs, including federally authorized state programs. The amendments affect, *inter alia*, the drinking water, underground injection control, municipal solid waste landfill, hazardous waste, underground storage tank, and wastewater pretreatment regulations. (The Board may require any electronic filings to comply with the new federal requirements, as incorporated by reference in Section 611.102.)

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The Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R06-15, as necessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. In docket R06-15, if the earliest federal amendments in the applicable period are assumed to have occurred on October 13, 2005, the due date for Board adoption would be October 13, 2006.

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 will vote to propose any amendments at an open meeting in accordance with requirements established by 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:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be October 13, 2006, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early August 2006. 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 would promptly dismiss this reserved docket.

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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 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 R06-15, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R06-15, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:

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 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.

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r) Part (Headings and Code Citations):

LABORATORY ACCREDITATION RULES (35 Ill. Adm. Code 611)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency's (IEPA) proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

B) Statutory Authority:

Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2006. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

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E) Affect on small business, small municipalities or not-for-profit corporations:

These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate 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 with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Other pertinent information concerning these amendments:

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Name: Jim Shaw

POLLUTION CONTROL BOARD

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Division of Laboratories
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-5544

s) Part (Headings and Code Citation):

STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS AND COMMUNITY RELATIONS PLANS (New Part)

1) Rulemaking: No docket presently reserved.

A) Description:

P.A. 94-314 was signed into law on July 25, 2005. Among other things, this legislation amends the Environmental Protection Act by adding Title VI-D: Right-To-Know. 415 ILCS 5/25d-1 – 25d-10. Section 25d-7 requires the Illinois Environmental Protection Agency (“Illinois EPA”) to “evaluate the Pollution Control Board’s rules and propose amendments to the rules as necessary to require potable water supply well surveys and community relations activities where such surveys and activities are appropriate in response to releases of contaminants that have impacted or may impact offsite potable water supply wells.” Rather than open for amendment a multitude of Parts where community relations plans and potable water supply well surveys might be appropriate, the Illinois EPA is developing a “stand-alone” Part that will apply across several other Parts. This is similar in concept to 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives, which establishes a methodology for determining remediation objectives for cleanups performed under several regulatory programs.

The purpose of the well survey requirements will be to establish minimum standards and requirements for performing well surveys to ensure that wells are accurately identified and located so that impacts or potential impacts to such wells from soil or groundwater contamination, or both, can be identified. Well survey requirements will include procedures for defining the well survey area, information sources that must be consulted to investigate for wells within the survey area, standardized procedures for documenting and reporting the results of well surveys, and discretionary

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authority for the Agency to require additional investigation, including physical well surveys, to resolve any uncertainties.

The purpose of community relations activities will be to establish two-way communications between the person performing the remediation and community members who may be affected by (or perceive they are affected by) groundwater contamination migrating from the site where the release occurred. The proposal will include criteria for determining when a well has been impacted or may be impacted by contamination migrating from the site where the release occurred. Community relations activities may include developing and implementing community relations plans, developing and distributing fact sheets about the release, submitting plans and fact sheets for Illinois EPA review and approval, and establishing and maintaining document repositories. Compliance monitoring provisions also may be included.

B) Statutory Authority:

Section 25d-7 of the Environmental Protection Act [415 ILCS 5/25d-7]

C) Scheduled Meeting/Hearing Dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

The Illinois EPA anticipates submitting its proposal in early 2006 after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they are addressing a release of contaminants pursuant to Pollution Control Board rules. If, during the course of addressing a release, it becomes necessary to identify the existence and location of potable water supply wells, the standards for performing and documenting well surveys will be applicable. For those who fall within the criteria for community relations activities, a

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community relations plan may be required along with the establishment of a web-site document repository and the preparation and distribution of a fact sheet with relevant information about the site, the remediation activities, and the potential impact to the public. These requirements will increase the resources necessary for persons performing remediation and whose sites fall within the criteria.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: Mark Wight
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544
Internet: Mark.Wight@epa.state.il.us

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t) Part (Heading and Code Citation):

GROUNDWATER QUALITY (35 Ill. Adm. Code 620)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Illinois EPA) continues to evaluate contaminants of concern that have been commonly detected in Illinois' groundwater for inclusion in 35 Ill. Adm. Code 620. One such constituent is perchlorate. This rocket fuel component has been discovered in Illinois' groundwater, and its occurrence in Illinois is being further evaluated. Another constituent that may be considered for inclusion in the rules is ammonia. While ammonia is not a health concern at the concentrations at which it has been reported, the greater health risk is the conversion of ammonia to nitrite and nitrate within a water distribution system. In addition, the Illinois EPA has evaluated contaminants commonly detected in groundwater in association with solid waste and Resource Conservation and Recovery Act (RCRA) sites. Groundwater standards are being developed for approximately 48 contaminants that have been commonly detected in groundwater at these sites where cleanup objectives have already been developed under the Tiered Approach to Corrective Action Objectives (TACO)(35 Ill. Adm. Code 742). Finally, three constituents (radium 226, radium 228, and arsenic) have had new Maximum Contaminant Levels (MCLs) adopted. Radium and arsenic occur with some frequency in Illinois' groundwater. Therefore, a groundwater standard amendment consistent with the MCL will be proposed.

B) Statutory authority:

Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act (IGPA) [415 ILCS 55/1] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting /hearing date:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

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D) Date agency anticipates First Notice:

An Illinois EPA anticipates submitting a proposal to the Board in the Spring or Summer of 2006. After the filing of a proposal by the Illinois EPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

The Illinois EPA does not anticipate that this rule will have a significant impact on any small business, small municipality, or not-for-profit corporations.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

For information regarding the Illinois EPA's development of this proposal, please contact:

Name: Richard Cobb
Address: Illinois Environmental Protection Agency

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1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-785-4787

u) 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)
HAZARDOUS WASTE INJECTION RESTRICTIONS (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R06-16

A) Description:

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R06-16 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2005 through December 31, 2005. At this time, the Board is aware of one set of federal amendments to the federal UIC regulations that occurred during this update period. That set of amendments is described as follows:

70 Fed. Reg. 59848 (October 13, 2005)

USEPA adopted requirements for electronic filing of required documents, such as permit applications and reports, under the various federal programs, including federally authorized state programs. The amendments affect, *inter alia*, the drinking water, underground injection control, municipal solid waste landfill, hazardous waste, underground storage tank, and wastewater pretreatment regulations. (The Board may require any electronic

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filings to comply with the new federal requirements, as incorporated by reference in Section 720.111.)

The Board will verify the existence of any additional federal actions and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R06-16, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R06-16, if the earliest federal amendments in the applicable period are assumed to have occurred on October 13, 2005, the due date for Board adoption would be October 13, 2006.

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 will vote to propose any amendments at an open meeting in accordance with requirements established by 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:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be October 13, 2006, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early August 2006. 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.

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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 in Illinois to the extent the affected entity engages in the underground injection of waste.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R06-16, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R06-16, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:

USEPA adopted the federal underground injection control (UIC) amendments of October 13, 2005 together with closely associated amendments to the RCRA Subtitle C hazardous waste and RCRA Subtitle D municipal solid waste landfill (MSWLF) regulations. The amendments relate to submission of documents to the government in an electronic format. Due to the related subject matter, and for the purposes of administrative economy, the Board will likely consolidate the UIC update docket R06-16 together with the RCRA Subtitle C update docket R06-18 and RCRA Subtitle D MSWLF docket R06-17 for single consideration and adoption.

USEPA adopted the federal UIC amendments of February 24, 2005 together with closely associated amendments to the Resource

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Conservation and Recovery Act (RCRA) Subtitle C hazardous waste regulations. The UIC and RCRA Subtitle C amendments both relate to a single new hazardous waste listing. Due to the related subject matter, and for the purposes of administrative economy, the Board will likely consolidate UIC update docket R06-16 together with RCRA Subtitle C update docket R06-7 for single consideration and adoption.

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 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.

v) 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)
Standards for The Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R06-18

A) Description:

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C

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of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R06-18 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2005 through December 31, 2005. At this time, the Board is aware of five sets of federal amendments to the federal RCRA Subtitle C hazardous waste regulations that occurred during this update period. Those sets of amendments are described as follows:

70 Fed. Reg. 44150 (August 1, 2005)

USEPA corrected the hazardous waste and municipal solid waste landfill segments of its June 14, 2005 (70 Fed. Reg. 34538) amendments to allow the use of alternative methods to “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.” (The Board incorporated the necessary changes into the Illinois hazardous waste regulations together with the original amendments in consolidated docket R06-16/R06-17/R06-18. No further action will be necessary.)

70 Fed. Reg. 45508 (August 5, 2005)

USEPA adopted amendments that include mercury-containing devices under the universal waste rule, removing these materials from regulation as hazardous waste when regulated according to the universal waste provisions. (The Board adopted a state rule for regulation of these devices as universal waste, under P.A. 93-964, in R05-8, effective April 13, 2005. The Board must now assure that the Illinois provisions allowing regulation as universal waste continue to be consistent with the newer federal amendments.)

70 Fed. Reg. 53420 (September 8, 2005)

USEPA adopted new standardized permit provisions for hazardous waste facilities in a new 40 C.F.R. 267. The federal amendments included conforming amendments to the existing permit provisions of 40 C.F.R. 124 and 270 and the substantive hazardous waste rules of 40 C.F.R. 260 and 261. (The Board must incorporate corresponding changes into the Illinois hazardous waste regulations.)

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70 Fed. Reg. 59402 (October 12, 2005)

USEPA adopted amendments that finalize the Hazardous Waste Combustor Rule. This rule imposes national emission standards for hazardous air pollutants (NESHAPs) on hazardous waste combustors. USEPA refers to incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste “Phase I sources,” since it adopted standards for these sources on September 30, 1999 (at 64 Fed. Reg. 52828). USEPA refers to industrial, commercial, or institutional boilers and process heaters and hydrochloric acid production furnaces that burn hazardous waste as “Phase II sources.” The present amendments include the Phase II standards and final replacement standards to replace interim standards adopted February 13, 2002 for Phase I sources (in response to litigation in *Cement Kiln Recycling Coalition v. EPA*, 255 F.3d 855 (D.C. Cir. 2001) (vacatur of portions of the original Phase I standards)). (The Board must incorporate corresponding changes into the Illinois hazardous waste regulations.)

70 Fed. Reg. 59848 (October 13, 2005)

USEPA adopted requirements for electronic filing of required documents, such as permit applications and reports, under the various federal programs, including federally authorized state programs. The amendments affect, *inter alia*, the drinking water, underground injection control, municipal solid waste landfill, hazardous waste, underground storage tank, and wastewater pretreatment regulations. (The Board may require any electronic filings to comply with the new federal requirements, as incorporated by reference in Section 720.111.)

The Board included action on the federal amendments of August 1, 2005 in the prior consolidated identical-in-substance docket R06-5/R06-6/R06-7, presently pending. Thus, Board action may be necessary on only four of the above-listed federal actions.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure or dismiss docket R06-18, as necessary and appropriate.

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Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is August 5, 2005, the due date for Board adoption of all amendments in the period would be August 5, 2006.

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 will vote to propose any amendments at an open meeting in accordance with requirements established by 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:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be August 5, 2006, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late March 2006. 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.

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.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R06-18, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R06-18, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

USEPA adopted the federal RCRA Subtitle C hazardous waste amendments of October 13, 2005 together with closely associated amendments to the underground injection control (UIC) and RCRA Subtitle D municipal solid waste landfill (MSWLF) regulations. The amendments relate to submission of documents to the government in an electronic format. Due to the related subject matter, and for the purposes of administrative economy, the Board will likely consolidate RCRA Subtitle C update docket R06-18 together with UIC update docket R06-16 and RCRA Subtitle D MSWLF docket R06-17 for single consideration and adoption.

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 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 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.

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w) Part (Heading and Code Citation):

UNDERGROUND STORAGE TANKS (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R06-12

A) Description:

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. 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 has reserved docket number R06-12 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2005 through December 31, 2005. At this time, the Board is not aware of any federal amendments that occurred during this update period.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2005. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R06-12, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2005, the due date for Board adoption would be July 1, 2006.

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].

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C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by 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:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2005, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2006, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2006. 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 regulations is needed, the Board would promptly dismiss this reserved docket.

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 operations USTs.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R06-12, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R06-12, as follows:

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POLLUTION CONTROL BOARD

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Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceeding would impact the text of Part 731.

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 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] 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 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.

x) Part (Headings and Code Citation):

TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES (35 Ill. Adm. Code 742)

1) Rulemaking: R06-10

A) Description:

Since the Board rules were adopted on June 5, 1997, the IEPA's implementation of the rules has given rise to the need for some amendments, corrections, and clarifications to existing rules. Additionally, technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].

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C) Scheduled Meeting/Hearing Dates:

Hearings are scheduled for January 31st, 2006 in Chicago and March 1st, 2006 in Springfield.

D) Date Agency Anticipates First Notice:

The Board will anticipate proposing these amendments for first notice in the Spring or Summer of 2006, after the two scheduled hearings have been held.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's tiered approach to corrective action rules

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please

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contact:

Name: Kimberly A. Geving
Address: 1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544

y) Part (Headings and Code Citation):

SOLID WASTE AND SPECIAL WASTE HAULING (35 Ill. Adm. Code
Part 807 and 811)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency is planning to propose amendments to Part 807 Subpart F and Part 811 Subpart G relating to Financial Assurance including adding evergreen renewal language to several financial assurance mechanisms.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 21.1, 22 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22 and 27]

C) Scheduled Meeting/Hearing Dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring 2005, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

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The amendments may affect any small business, small municipality or not-for-profit corporation providing or requesting financial assurance for the closure and post closure care of waste disposal sites.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: Stephanie Flowers
Address: Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-5544
E-Mail: Stephanie.Flowers@epa.state.il.us

z) Parts (Headings and Code Citations):

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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 R06-17

A) Description:

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R06-17 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2005 through December 31, 2005. At this time, the Board is aware of one set of federal amendments to the federal MSWLF regulations that occurred during this update period. That set of amendments is described as follows:

70 Fed. Reg. 59848 (October 13, 2005)

USEPA adopted requirements for electronic filing of required documents, such as permit applications and reports, under the various federal programs, including federally authorized state programs. The amendments affect, *inter alia*, the drinking water, underground injection control, municipal solid waste landfill, hazardous waste, underground storage tank, and wastewater pretreatment regulations. (The Board may require any electronic filings to comply with the new federal requirements, as incorporated by reference in Section 810.107.)

The Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-February 2006. The Board will then propose corresponding amendments

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to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R06-17, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R06-17, if the earliest federal amendments in the applicable period is assumed to have occurred on October 13, 2005, the due date for Board adoption of all amendments in the period would be October 13, 2006.

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 will vote to propose any amendments at an open meeting in accordance with requirements established by 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:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2006, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be October 13, 2006, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early August 2006. 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.

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.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R06-17, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R06-17, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

USEPA adopted the federal RCRA Subtitle D municipal solid waste landfill (MSWLF) amendments of October 13, 2005 together with closely associated amendments to the RCRA Subtitle C hazardous waste and underground injection control (UIC) regulations. The amendments relate to submission of documents to the government in an electronic format. Due to the related subject matter, and for the purposes of administrative economy, the Board will likely consolidate the RCRA Subtitle D MSWLF docket R06-17 together with the RCRA Subtitle C update docket R06-18 and UIC update docket R06-16 for single consideration and adoption.

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 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 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.

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aa) Part (Headings and Code Citations):

SOLID WASTE DISPOSAL: GENERAL PROVISIONS (35 Ill. Adm. Code 810)

1) Rulemaking: R06-08

A) Description:

This site-specific rulemaking is based on a proposal filed by the Silbrico Corporation (Silbrico). The proposal, filed on July 19, 2005, seeks to amend the Board's solid waste disposal regulations.

Silbrico, located in Hodgkins, Cook County, has proposed a site-specific rule for what it characterizes as nonhazardous, inert waste generated at its manufacturing facility. Silbrico's proposed rule would allow it to dispose of this waste in a "clean fill construction and demolition debris" facility. Silbrico manufactures products using perlite, a volcanic rock that expands up to 20 times in size when heated. In its petition for rulemaking, Silbrico asserted that due to the inert and nonhazardous characteristics of the off-specification perlite and the fugitive perlite (collectively waste perlite), it seeks to dispose of these wastes at a "clean fill" facility that accepts only clean construction and demolition debris. Silbrico asserted that allowing the disposal of the waste perlite at a "clean fill" facility would save valuable space in municipal waste landfills and result in significant cost savings, while posing no environmental violation or threat.

B) Statutory authority:

Implementing Sections 5, 21, 21.1, 22, 22.17, and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

C) Scheduled meeting/hearing dates:

The Board is in the process of scheduling at least one hearing in this rulemaking.

D) Date Agency anticipates First Notice:

The Board may adopt a first notice opinion and order in this rulemaking

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sometime in the Spring or Summer of 2006.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

Because this has been filed as a site-specific rulemaking, these amendments would only affect Silbrico.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conley@ipcb.state.il.us

G) Related rulemakings and other pertinent information:
None

bb) Part (Headings and Code Citations):

MANAGEMENT OF USED AND WASTE TIRES (35 Ill. Adm. Code 848)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management

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program including changes necessary to make the Board's rules consistent with legislative amendments to Title XIV of the Environmental Protection Act [415 ILCS 5/53 et seq.] resulting from Public Act 92-0024.

B) Statutory authority:

Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice:

Submission to the Board by the Illinois EPA may be as soon as the Spring 2005, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
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Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
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Telephone: 217-782-2471
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G) Related rulemakings and other pertinent information:

No other presently-known proceeding will affect solid waste transfer stations.

For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
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Stephanie.Flowers@epa.state.il.us

cc) Part (Headings and Code Citations):

SOUND EMISSION STANDARDS AND LIMITATIONS FOR PROPERTY LINE
NOISE SOURCES (35 Ill. Adm. Code 901)

1) Rulemaking: R06-11

A) Description:

This rulemaking is based on a proposal filed on October 20, 2005, by Vaughan & Bushnell Manufacturing Company (V&B). V&B seeks a site-specific rule amending a previously promulgated site-specific noise rule that would extend the allowable operational levels of its forging facility located at the intersection of Davis and Main Streets, Bushnell in McDonough County.

B) Statutory authority:

Implementing Section 25 and authorized by Section 27 of the

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Environmental Protection Act [415 ILCS 5/25 and 27].

C) Scheduled meeting/hearing dates:

The Board is in the process of scheduling at least one hearing in this rulemaking.

D) Date Agency anticipates First Notice:

The Board may adopt a first notice opinion and order in this rulemaking sometime in the Spring or Summer of 2006.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

Because this rulemaking was filed as a site-specific rule, it will only apply to the operations at V&B.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

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G) Related rulemakings and other pertinent information:

None

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dd) Part (Headings and Code Citations):

PROCEDURES FOR PERMITTING CLEAN CONSTRUCTION OR DEMOLITION
DEBRIS FILL OPERATIONS (35 Ill. Adm. Code 1100)(new Part).

1) Rulemaking: R06-19

A) Description:

The proposed new rule creates procedures for permitting clean construction or demolition debris fill operations pursuant to new Section 22.51, contained in Senate Bill 431 (enrolled). Senate Bill 431 was recently passed by the General Assembly.

B) Statutory authority:

Authorized by Section 22.51(c), see Senate Bill 431 (enrolled).

C) Scheduled meeting/hearing dates:

The Board is in the process of scheduling hearings in this rulemaking.

D) Date agency anticipates First Notice:

Due to the statutory timeline established for this rulemaking, the Board will adopt a first notice opinion and order in the early Spring of 2006.

E) Effect on small business, small municipalities, or not-for-profit corporation:

Any small business, small municipality, or not-for-profit corporation seeking to use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation will be subject to Section 22.51 (see Senate Bill 431, enrolled).

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

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Address questions concerning this regulatory agenda as follows:

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Springfield, Illinois 62794-9274
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G) Related rulemakings and other pertinent information:

No other presently-anticipated proceedings would affect the text of Part 825.

ee) Parts (Headings and Code Citations):

STANDARDS AND REQUIREMENTS FOR NEW AND EXISTING MUNICIPAL WASTE TRANSFER STATIONS (New Part)
INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION FOR A MUNICIPAL WASTE TRANSFER STATION (New Part)
PROCEDURAL REQUIREMENTS FOR MUNICIPAL WASTE TRANSFER STATION PERMITS (New Part)

1) Rulemaking: No docket presently reserved.

A) Description:

Municipal waste transfer stations currently are regulated under 35 Ill. Adm. Code 807. The Part 807 rules were developed primarily for solid waste landfills. As applied to transfer stations, they are very general with

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many of the specific requirements for transfer stations imposed through permit conditions under Section 807.206. Transfer stations are increasing in number and importance in Illinois' waste management system. In addition, the United States Environmental Protection Agency published in June 2002 "Waste Transfer Stations: A Manual for Decision-Making" (EPA530-R-02-002), guidance developed to "promote the use of best practices in transfer station siting, design and operation to maximize facilities' effectiveness while minimizing their impact on the community." In light of these factors, the Illinois Environmental Protection Agency ("Illinois EPA") is developing new Parts that will provide more specific requirements for the design, construction, operation and closure of municipal waste transfer stations as well as procedures for obtaining permits. Included with municipal waste transfer stations accepting garbage and general household and commercial waste are those transfer stations accepting exclusively construction and demolition debris and those used exclusively for landscape waste.

B) Statutory authority:

These rules will be proposed pursuant to Sections 4(i), 21(d), 22, 27 and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 21(d), 22, 27, 28].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date Agency anticipates First Notice:

Submission to the Board by the Illinois EPA may be as soon as the Spring or Summer of 2006, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they receive municipal waste for transfer prior to treatment or disposal. For those that do, the substantive changes in requirements for design, construction and

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operation are expected to be minimal with many existing transfer stations already in compliance with most of the standards and requirements. However, there may be some expense for upgrading existing transfer stations.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

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Address questions concerning this regulatory agenda as follows:

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G) Related rulemakings and other pertinent information:

No other presently known proceeding will affect municipal waste transfer stations.

For information regarding the development of these rules please contact:

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