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POLLUTION CONTROL BOARD

JULY 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]. The Board intends to update various items of information.

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. While the Board does not currently plan to schedule hearings in this rulemaking, 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 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 enforcement actions, rulemaking proceedings, variance proceedings,

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

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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:

None scheduled at this time. Section 28 of the Act does not require public hearings concerning procedural rules. While the Board does not currently plan to schedule hearings in this rulemaking, 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 Summer or Fall 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

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proceeding or which seeks to contact the Board for any reason, including 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.

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 R07-1

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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 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 R07-1 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2006 through June 30, 2006. 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-August 2006. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R07-1, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-1, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

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].

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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]. The 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-August 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 were assumed to be January 1, 2007, 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 October 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 will 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 R07-1, as follows:

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

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R07-1, 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 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 Illinois Environmental Protection Agency (Agency) 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.

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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].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter 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 Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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 Agency 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 to:

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

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Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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 Agency's development of this proposal, please contact the following Agency 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) Parts (Headings and Code Citations):

PERMITS AND GENERAL PROVISIONS (35 Ill. Adm. Code 201.146)  
DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)  
NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217, Subparts A and Q)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board to address Phase II of the United States Environmental Protection Agency's (USEPA's) nitrogen oxides (NO<sub>x</sub>) State Implementation Plan (SIP) call. The (NO<sub>x</sub>) SIP call required affected states, including Illinois, to regulate the NO<sub>x</sub> emissions from large stationary internal combustion engines as required by the federal Clean Air Act (CAA). (69 *Fed. Reg.* 21604 (April 21, 2004)). This statewide proposal will also regulate NO<sub>x</sub> emissions from smaller engines and turbines, as part of the State's obligation to meet NO<sub>x</sub> reasonably

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available control technology requirements (RACT) for the new 8-hour ozone and PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS), reasonable further progress (RFP), and attainment demonstration requirements. In addition, the proposal will include conforming amendments for Part 201, concerning affected units that would be required to obtain operating permits and for Part 211, concerning applicable definitions.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter 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 Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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:

Any small businesses, small municipalities, or not-for-profit corporations that own or operate an affected engine or turbine could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk  
Address: Pollution Control Board

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100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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 Agency's development of this proposal, please contact the following Agency attorney:

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

f) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)  
NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board to address part of the State's Clean Air Act obligations to meet nitrogen oxides (No<sub>x</sub>) reasonably available control technology requirements (RACT), reasonable further progress (RFP), and attainment demonstration requirements for the new 8-hour ozone and PM<sub>2.5</sub> nonattainment areas. Illinois has two 8-hour ozone and PM<sub>2.5</sub> nonattainment areas, greater Chicago and Metro-East/St.

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Louis. NO<sub>x</sub> is one of the precursors to the formation of both ozone and PM<sub>2.5</sub>. Control of NO<sub>x</sub> emissions from the following types of units may be included in the proposal: ICI boilers less than 250 mmBtu, electric generating less than 25 megawatts, cement kilns, lime kilns, glass melting furnaces, iron and steel plants, and aluminum melting furnaces. In addition, the proposal includes conforming amendments for Part 211, concerning applicable definitions. The requirements are anticipated to apply statewide.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter 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 Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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:

Any small businesses, small municipalities, or not-for-profit corporations that owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: Dorothy Gunn, Clerk

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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 Agency's development of this proposal, please contact the following Agency attorney:

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

g) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)  
SULFUR LIMITATIONS (35 Ill. Adm. Code 214)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board to address the State's obligation to meet the Clean Air Act's requirements for fine particulate matter (PM<sub>2.5</sub>), specifically the requirement for Reasonable Available Control Technology (RACT). Section 172 of the CAA requires that States with nonattainment areas control major sources with emissions of 100 tons or more per year of the applicable criteria pollutant or its precursor.

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Illinois has two PM<sub>2.5</sub> nonattainment areas, greater Chicago and Metro-East/St. Louis. Sulfur dioxide (SO<sub>2</sub>) is one of the precursors to the formation of PM<sub>2.5</sub>. Major sources of SO<sub>2</sub> emissions are primarily fuel combustion sources. In addition, the proposal will include conforming amendments for Part 211, concerning applicable definitions.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter 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 Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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:

Any small businesses, small municipalities, or not-for-profit corporations that own or operate a BART eligible source could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

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Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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 Agency's development of this proposal, please contact the following Agency attorney:

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

h) Parts (Headings and Code Citations):

EMISSIONS REDUCTION MARKET SYSTEM (35 Ill. Adm. Code 205)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposed rule will require the sources participating in the Emissions Reduction Market System to further reduce VOM emissions. The reduction in VOM emissions is needed to address Rate of Further Progress and the attainment demonstration needs.

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 Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter 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 Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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:

Any small businesses, small municipalities, or not-for-profit corporations that are subject to the Emissions Reduction Market System would be subject to the modified provisions.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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

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G) Related rulemakings and other pertinent information:

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

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

i) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)  
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 Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will set forth state-wide regulations pertaining to volatile organic compounds (VOC) from consumer and commercial products. The proposal will establish VOC content limits for the various product categories.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2006. No meetings or hearings are

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scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 5/28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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 proposal may affect any small business, small municipality or not-for-profit corporation that produces the various categories of consumer and commercial products.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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:

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

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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

j) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)  
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 Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will set forth state-wide regulations pertaining to emission of volatile organic compounds (VOC) from architectural and industrial maintenance coating operations. The proposal will establish VOC content limits for the specific architectural and industrial maintenance coatings.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

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

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D) Date agency anticipates First Notice:

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

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

This proposal may affect any small business, small municipality or not-for-profit corporation that operates or manufacturers architectural and industrial maintenance coatings.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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:

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

Name: Gina Roccaforte  
Address: Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East

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POLLUTION CONTROL BOARD

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P.O. Box 19276  
Springfield, Illinois 62794-9276

k) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)  
REGIONAL HAZE (35 Ill. Adm. Code 226)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. This proposal would address the State's obligation to meet the requirements of the Clean Air Act (CAA) for Regional Haze, specifically the requirement for Best Available Regional Haze (BART). Section 169A of the CAA requires that each major source in existence in 1977, but not in operation before 1962, that may reasonably anticipated to cause or contribute to any impairment of visibility in any Class I area shall procure, install, and operate BART. Major sources are defined as ones that have the potential to emit 250 tons per year or more of a visibility impairing pollutant in one of 26 specified categories, including but not limited to petroleum refineries, lime plants, steel mills, and fossil-fuel fired steam electric plants greater than 250 mmBtu. USEPA has identified sulfur dioxide, NO<sub>x</sub>, and primary particulate matter (PM) as visibility impairing pollutants. This rule will affect BART applicable emission units statewide.

B) Statutory authority:

Implementing and authorized by Sections 10 and 27 of the Act [415 ILCS 5/10 and 5/27].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall or Winter 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.

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D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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:

Any small businesses, small municipalities, or not-for-profit corporations that owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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:

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

Name: Rachel L. Doctors  
Address: Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East

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POLLUTION CONTROL BOARD

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P.O. Box 19276  
Springfield, Illinois 62794-9276

l) Parts (Headings and Code Citations):

Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)

1) Rulemaking: R06-22

A) Description:

On January 19, 2006, the Board received a rulemaking proposal submitted by the Illinois Environmental Protection Agency (Agency) pursuant to Section 27 and 28 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/27 and 28 (2004)). Included in this proposal are amendments to the regulations governing Nitrogen Oxide (NO<sub>x</sub>) emissions found at 35 Ill. Adm. Code Part 217, Subparts A, T, U, and W.

The amendments propose to update Part 217 to reflect recent amendments made by the United States Environmental Protection Agency (USEPA) to the Code of Federal Regulations concerning several test methods and procedures, and by the Illinois General Assembly to Section 9.9 of the Act concerning the sale of NO<sub>x</sub> allowances and the repeal of the stay provisions. The Agency proposes amendments intended to ensure that the NO<sub>x</sub> budgets for both the Electrical Generating Units (EGU) and the non-EGUs are not reduced by low-emitters in a way that was not anticipated at the time the rules were originally adopted by the Board. Finally, the Agency proposes clarifications to the dates and timing of allocations designed to simplify the administration of the NO<sub>x</sub> Trading Program. The Agency asserts that this proposal does not change the emission limits or require new control devices on affected sources.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Board is currently scheduling hearings in this rulemaking.

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D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Fall or Winter of 2006.

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

This rule change may affect any small business, small municipality, or not-for-profit corporation subject to the Board's Nitrogen Oxide (NOx) emission rules.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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 Agency's development of this proposal, please contact the following Agency attorney:

Name: Rachel L. Doctors  
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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m) Part (Headings and Code Citations):

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

1) Rulemaking: R06-21

A) Description:

On December 22, 2005, the Board received a rulemaking proposal submitted by the Illinois Environmental Protection Agency (Agency) pursuant to Sections 27 and 28 of the Illinois Environmental Protection Act (Act). 415 ILCS 5/27, 28 (2004). The Agency proposes amendments to Parts 218 and 219 of the volatile organic material (VOM) rules to allow for the use of add-on controls as a compliance option for printing operations using cold cleaning solvent degreasing. The Agency is proposing to revise the cold cleaning degreaser rules in the Chicago and Metro-East nonattainment areas by making parallel changes to 35 Ill. Adm. Code 218.182(c) and (d) and 219.182(c) and (d). The rulemaking proposes revisions to allow for the sale or purchase of solvents with vapor pressure greater than 1.0mmHg in units greater than five gallons to or by sources that have valid permits, are in compliance with the add-on control requirements, or are exempt. The rulemaking also proposes control requirements to allow for the option of add-on controls. Subsections are being created that will require sources using solvents with vapor pressures greater than 1.0mmHg to control their emissions to an overall capture and control efficiency of no less than 95%.

The Agency proposal contains provisions that allow for equivalent alternative emissions plans stipulating that emissions from a solvent with a vapor pressure of 1.0 mmHg shall be the basis for assessment of equivalent emissions for any proposed control plan and that the equivalent alternative control plans must have at least 95% reduction in VOM emissions. Provisions have also been added mandating the testing of add-on controls. Currently operating add-on controls must be tested by March 1, 2006, and newly constructed add-on controls shall be tested within 90 days after startup. The testing procedures, monitoring, and recordkeeping provisions for add-on controls and equivalent alternative control plans will be consistent with the provisions in Section 218.105 and Section 219.105, which require that the control devices be operated and maintained at the manufacturer's specifications and continuously monitored to assure that they are operating at the required compliance levels. All records must be kept for a minimum of three years.

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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:

The Board held two hearings in this rulemaking. The first hearing was held on April 19, 2006, in Chicago and the second hearing was held on May 17, 2006, in Edwardsville. At this time, the Board does not anticipate holding additional hearings in this rulemaking.

D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Fall or Winter of 2006.

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 to:

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley  
Address: Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

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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 Agency's development of this proposal, please contact the following Agency attorney:

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

n) Parts (Headings and Code Citations):

CONTROL OF EMISSIONS FROM LARGE COMBUSTION SOURCES (35 Ill. Adm. Code 225)

1) Rulemaking: R06-26

A) Description:

This rulemaking was proposed to the Board by the Illinois Environmental Protection Agency (Agency) on May 30, 2006. The Agency proposes a new Part 225 to reduce intrastate and interstate transport of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) emissions from fossil fuel-fired electric generating units (affected units), on an annual basis and on an ozone season basis of each calendar year. The Agency proposes the adoption of the Clean Air Interstate Rule (CAIR) SO<sub>2</sub> trading program, the CAIR NO<sub>x</sub> Annual trading program and the CAIR NO<sub>x</sub> Ozone Season trading program to accomplish this objective.

The proposed rule contains five subparts. As proposed, Subpart A includes general provisions, Subpart B is reserved-although this Subpart is included in the R06-25 rulemaking, Subpart C contains the CAIR SO<sub>2</sub> trading program, Subpart D details the CAIR NO<sub>x</sub> Annual trading program, and Subpart E addresses the CAIR NO<sub>x</sub> Ozone Season trading program.

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The Agency asserts that its proposal is intended to satisfy Illinois' obligations under the United States Environmental Protection Agency's (USEPA) Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO<sub>x</sub> SIP Call, (CAIR), 70 *Fed. Reg.* 25162 (May 12, 2005). The proposal is also intended to the Agency's obligation to meet Clean Air Act (CAA) requirements for the control of fine particulate matter (PM<sub>2.5</sub>) and ozone in the Chicago and Metro East/St. Louis nonattainment areas.

B) Statutory authority:  
Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates:  
The Board is in the process of scheduling hearings in this rulemaking.

D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Fall or Winter 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 owns or operates an affected emission unit could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: 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 rulemakings and other pertinent information:  
For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

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

Part 225 is also involved in a rulemaking currently at first notice, Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25). (see 30 Ill. Reg. 9281, May 19, 2006 and 30 Ill. Reg. 10193, June 2, 2006).

- o) Part (Heading and Code Citation):

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

- 1) Rulemaking: No docket presently reserved.

- A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. 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:

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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 Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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 to:

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

Address questions concerning this regulatory agenda to:

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:

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For information regarding the Agency'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

p) Part (Heading and Code Citation):

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

1) Rulemaking: R04-25

A) Description:

This rulemaking was proposed to the Board 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. 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 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:

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The Board has held hearings in this rulemaking on June 29, 2004, August 12, 2004, August 25, 2005, and April 25, 2006. The Board expects to schedule an additional hearing in this rulemaking in Fall 2006.

D) Date agency anticipates First Notice:

The Board anticipates that it may adopt a first notice opinion and order in this rulemaking in the Fall or Winter 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 to:

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

Address questions concerning this regulatory agenda to:

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: conley@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

The Agency is in the process of developing another` proposal that would impact Part 302 (see item below).

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q) 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 (Agency) 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 would revise and add numeric water quality standards for the protection of aquatic life. The Agency will use the amended water quality standards 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 Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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

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the State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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 Agency's development of this proposal, please contact:

Toby Frevert  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, Il. 62794-9276  
217-782-1654

r) Part (Heading and Code Citation):

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

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1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. 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 Agency 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 Agency 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 Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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 into the lower Des Plaines River.

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POLLUTION CONTROL BOARD

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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

Address concerning this regulatory agenda to:

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 Agency'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

s) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R07-7

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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 R07-7 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2006 through June 30, 2006. 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 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-August 2006. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R07-7, 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 the earliest action upon which the amendments are based. In docket R07-7, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

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.

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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 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 were assumed to be January 1, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 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 wastewater pretreatment rules is needed, the Board will 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 R07-7, to:

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 R07-7, to:

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

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POLLUTION CONTROL BOARD

JULY 2006 REGULATORY AGENDA

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. 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.

t) 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 (Agency) 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 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:

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An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal during the Fall or Winter of 2006. After the filing of a proposal by the Agency, 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:

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 to:

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

Address questions concerning this regulatory agenda to:

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:

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

The Agency has stated that it 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.

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For information regarding the Agency's development of this proposal, please contact the following Agency 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

Interested persons may also contact the following Agency 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

u) 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 (Agency) will prepare a rulemaking proposal for filing before the Board relating to the United States Environmental Protection Agency's Environmental Protection Concentrated Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were adopted on December 15, 2002. The Agency anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations and case law reviewing these regulations. See, Waterkeeper Alliance et al. v. USEPA, 399 F.3d 486 (2d Cir. 2005).

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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].

D) Date agency anticipates First Notice:

An Agency submittal of the rulemaking proposal is anticipated by Fall or Winter 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 to:

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

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

G) Related Rulemaking and other pertinent information:

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

Name: Deborah J. Williams  
Address: Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
Telephone: 217-782-5544

v) Part (Heading and Code Citation):

Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R07-2

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 R07-2 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 January 1, 2006 through June 30, 2006. At this time, the Board is aware of two sets of federal amendments to the federal national primary drinking water regulations and three sets of corrections that occurred during this update period. Those sets of amendments and corrections are described as follows:

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January 4, 2006 (71 Fed. Reg. 388)

USEPA adopted the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR). The DBPR regulates drinking water disinfection practices and the content of disinfection byproducts in drinking water. The Stage 2 DBPR is intended to further reduce the risks of cancer and reproductive and other health effects associated with disinfection byproducts. The Stage 2 rule includes maximum contaminant level standards and monitoring, reporting, and public notification requirements for these contaminants. The Stage 2 rule applies to any community water supply or non-transient, non-community water system that adds a disinfectant other than ultraviolet light to drinking water. The Stage 2 DBPR is an extension of the existing Stage 1 DBPR, adopted by USEPA on December 16, 1998 (at 63 Fed. Reg. 69390) and by the Board on July 22, 1999 (in docket R99-12). The DBPR is a companion to the Enhanced Surface Water Treatment Rule (see the entry below for the January 5, 2006 USEPA action). The federal amendments include corrections to existing regulations and to the existing Stage 1 DBPR.

January 5, 2006 (71 Fed. Reg. 654)

USEPA adopted the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). The LT2ESWTR requires the use of treatment techniques and imposes monitoring, reporting, and public notification requirements on all systems that use surface water as a source of raw water. USEPA intends that the rule protect against *Cryptosporidium* and other microbial contaminants, like *Giardia lamblia*. The LT2ESWTR is an extension of earlier rules pertaining to treatment of surface water that USEPA has adopted. USEPA adopted the Surface Water Treatment Rule (SWTR) on June 29, 1989 (at 54 Fed. Reg. 27486), which the Board adopted on May 24, 1990 (in docket R88-26). USEPA then adopted the Interim Enhanced Surface Water Treatment Rule (IESWTR) on December 16, 1998 (at 63 Fed. Reg. 69478), which the Board adopted together with the Stage 1 DBPR (see the entry for the USEPA action on July 4, 2006, above) on July 22, 1999 (in docket R99-12). Later, USEPA adopted the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) on January 14, 2002 (67 Fed. Reg. 1812), which the Board adopted on December 19, 2002 (in docket R03-4). The LT2ESWTR is a companion to the Stage 2 DBPR (see the entry for the USEPA action of January 4, 2006, above).

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January 27, 2006 (71 Fed. Reg. 4644)

USEPA corrected the January 4, 2006 Stage 2 DBPR. (The Board must make corresponding corrections to the Illinois amendments that will incorporate the Stage 2 DBPR.)

January 30, 2006 (71 Fed. Reg. 4968)

USEPA corrected the January 5, 2006 LT2ESWTR. (The Board must make corresponding corrections to the Illinois amendments that will incorporate the LT2ESWTR.)

February 6, 2006 (71 Fed. Reg. 6136)

USEPA again corrected the January 5, 2006 LT2ESWTR. (The Board must make corresponding corrections to the Illinois amendments that will incorporate the LT2ESWTR.)

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-August 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 R07-2, as necessary and appropriate.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-2, if the earliest federal amendments in the applicable period were assumed to have occurred on January 4, 2006, the due date for Board adoption would be January 4, 2007.

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.

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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 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 January 4, 2007, 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 mid-October 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 will 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 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 R07-2 to:

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 R07-2, to:

Name: Michael J. McCambridge, Attorney  
Address: Pollution Control Board

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100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601

Telephone: 312-814-6924  
Internet: [mccambm@ipcb.state.il.us](mailto: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.

w) 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 (Agency) is currently developing a proposal for filing with the Board. The proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the Agency'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 Agency, 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].

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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 Agency submittal of the rulemaking proposal is anticipated by Fall or Winter 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 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 to:

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

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Address questions concerning this regulatory agenda to:

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 Agency about its prospective rulemaking proposal as follows:

Name: Jim Shaw  
Division of Laboratories  
Illinois Environmental Protection Agency  
Address: 1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276

x) 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 (Agency) 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 Agency has evaluated contaminants commonly detected in groundwater in association with solid waste and

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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].

D) Date agency anticipates First Notice:

The Agency anticipates submitting a proposal to the Board in the Fall or Winter 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 Agency 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 to:

Name: Dorothy Gunn, Clerk  
Address: Pollution Control Board

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100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

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: conley@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

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

Name: Richard Cobb  
Address: Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

y) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
UIC Permit Program (35 Ill. Adm. Code 704)  
Procedures For Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)

1) Rulemaking: Presently reserved docket number R07-3

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.

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The Board has reserved docket number R07-3 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2006 through June 30, 2006. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and the Board action required in response to each in coming weeks, by about mid-August 2006. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R07-3, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-3, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

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-August 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 were assumed to be January 1, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2006. This would be sufficiently in

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advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss 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 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 R07-3, to:

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 R07-3, to:

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](mailto:mccambm@ipcb.state.il.us)

G) Related rulemakings and other pertinent information:

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.

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z) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
Procedures For Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)  
Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)  
Standards for The Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R07-5

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 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 R07-5 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 January 1, 2006 through June 30, 2006. At this time, the Board is aware of one set of federal amendments to the federal RCRA Subtitle C hazardous waste regulations that occurred during this update period. That set of amendments is described as follows:

71 Fed. Reg. 16862 (April 4, 2006)

USEPA amended various provisions of the hazardous waste regulations to reduce the paperwork burden imposed by the rules.

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Some of the reduced requirements apply only to members of USEPA's Environmental Performance Track Program. The affected rules include hazardous waste management facility standards and aspects of the permitting requirements and land disposal restrictions.

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 2006. 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 R07-5, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is April 4, 2006, the due date for Board adoption of all amendments in the period would be April 4, 2007.

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 April 4, 2007, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late November 2006.

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This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss 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 generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-5, to:

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 R07-5, to:

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](mailto:mccambm@ipcb.state.il.us)

G) Related rulemakings and other pertinent information:

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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aa) Part (Heading and Code Citation):

Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R07-6

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 R07-6 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2006 through June 30, 2006. 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 2006. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R07-6, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

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 were assumed to be January 1, 2007, 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 October 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 will 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 R07-6,to:

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 R07-6,to:

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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.

bb) Part (Headings and Code Citation):

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

1) Rulemaking: R06-10

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. Since the original Board rules for a Tiered Approach to Corrective Action Objectives (TACO)(35 Ill. Adm. Code 742) were adopted on June 5, 1997, the Agency'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:

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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].

C) Scheduled Meeting/Hearing Dates:

The Board held hearings in this rulemaking on January 31, 2006 in Chicago and March 1, 2006 in Springfield.

D) Date Agency Anticipates First Notice:

The Board will anticipate proposing these amendments for first notice in the Fall or Winter 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 to:

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

Address questions concerning this regulatory agenda to:

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

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G) Related Rulemaking and other pertinent information:

For information regarding the development of these amendments please contact:

Name: Kimberly A. Geving  
Address: 1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

cc) Part (Headings and Code Citation):

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

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board to amend the Board rules for a Tiered Approach to Corrective Action Objectives (TACO)(35 Ill. Adm. Code 742) Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) Amendments will be proposed to establish methodologies for developing remediation objectives from risks due to chemicals moving into buildings via soil vapors from contaminated soil and groundwater.

B) Statutory Authority:

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

C) Scheduled Meeting/Hearing Dates:

None 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:

The Agency proposal may be filed with the Board as soon as Fall 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:

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 to:

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

Address questions concerning this regulatory agenda to:

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: Kimberly A. Geving  
Address: 1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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dd) Part (Headings and Code Citation):

ILLINOIS HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (35 Ill. Adm. Code 750)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. The rules in 35 Ill. Adm. Code 750 were adopted in 1984 as rules identical in substance to the federal regulations that implement Section 105 of the Comprehensive Environmental Response, Action, and Liability Act of 1980. The statutory authority for this Part has been repealed and the Part is no longer utilized by the Agency. Therefore, the Agency plans to propose that the Board repeal Part 750.

B) Statutory Authority:

The statutory authority for 35 Ill. Adm. Code 750 has been repealed.

C) Scheduled Meeting/Hearing Dates:

None 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 Agency proposal may be filed with the Board as soon as Fall 2006, after which the Board will cause publication of a Notice of Proposed Repealer in the Illinois Register.

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

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

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F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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: Kyle Rominger  
Address: 1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

ee) 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 (Agency) is planning to propose amendments to Part 807 Subpart F and Part 811 Subpart G

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relating to Financial Assurance. Among other things, the proposal will include 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 Agency 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:

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 to:

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

Address questions concerning this regulatory agenda to:

Name: Erin Conley, Rules Coordinator  
Address: Pollution Control Board

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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  
E-Mail: Stephanie.Flowers@epa.state.il.us

ff) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)  
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)  
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)  
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)  
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R07-4

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.

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The Board has reserved docket number R07-4 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 2006 through June 30, 2006. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

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-August 2006. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R07-4, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. In docket R07-4, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, on January 1, 2006, the due date for Board adoption would be January 1, 2007.

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-August 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 were assumed to be January 1, 2007, 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 October 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 will 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 that engages in the land disposal of municipal solid waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R07-4, to:

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 R07-4, to:

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](mailto:mccambm@ipcb.state.il.us)

G) Related rulemakings and other pertinent information:

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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gg) Part (Headings and Code Citation):

SPECIAL WASTE CLASSIFICATIONS (35 Ill. Adm. Code 808)

NONHAZARDOUS SPECIAL WASTE HAULING AND THE UNIFORM PROGRAM (35 Ill. Adm. Code 809)

1) Rulemaking: R06-20

A) Description:

This rulemaking was proposed to the Board on December 13, 2005, by NORA, which stated that it is an association of recyclers formerly known as the National Oil Recycling Association. The proposal seeks to amend Parts 808 and 809 of the Board's regulations concerning special waste classifications and nonhazardous special waste hauling as they pertain to used oil recycling in Illinois. NORA seeks to make the Illinois program "substantially equivalent to the federal program", by eliminating the special waste hauling and manifesting requirements imposed on "used oil" as defined and managed under Part 739

B) Statutory Authority:

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

C) Scheduled Meeting/Hearing Dates:

The Board has held hearings in this rulemaking on May 25,2006 in Springfield and on June 29,2006 in Chicago. The Board does not anticipate scheduling additional hearings.

D) Date Agency Anticipates First Notice:

The Board anticipates that it may adopt a first notice opinion and order in this rulemaking in the Fall or Winter of 2006.

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 that is involved in recycling or transporting used oil.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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:

hh) 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 July 19, 2005 proposal filed by the Silbrico Corporation (Silbrico) concerning nonhazardous, perlite wastes generated at its manufacturing facility plant in Hodgkins, Cook Count . The proposal, filed on, seeks to amend the Board's solid waste disposal regulations to allow Silbrico to dispose of this waste in a "clean fill construction and demolition debris" facility. .

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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 sometime in the Fall or Winter 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 to:

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

Address questions concerning this regulatory agenda to:

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](mailto:conleye@ipcb.state.il.us)

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- G) Related rulemakings and other pertinent information:  
None

ii) 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 (Agency) is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, 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:

The Agency may submit a proposal to the Board as soon as the Fall 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:

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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 to:

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

Address questions concerning this regulatory agenda to:

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](mailto:conleye@ipcb.state.il.us)

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  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544  
[Stephanie.Flowers@epa.state.il.us](mailto:Stephanie.Flowers@epa.state.il.us)

jj) Part (Headings and Code Citations):

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

C) Scheduled meeting/hearing dates:

The Board held a hearing in this rulemaking on March 7, 2006, and may schedule another.

D) Date Agency anticipates First Notice:

The Board may adopt a first notice opinion and order in this rulemaking sometime in the Fall or Winter 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 to:

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

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

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](mailto:conleye@ipcb.state.il.us)

G) Related rulemakings and other pertinent information:

None

kk) 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:

The Illinois Environmental Protection Agency (Agency) is working on a proposal to add new rules to the Board's waste regulations. 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 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

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practices in transfer station siting, design and operation to maximize facilities' effectiveness while minimizing their impact on the community." The Agency 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:

The Agency may submit a proposal to the Board as soon as the Fall or Winter 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 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:

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JULY 2006 REGULATORY AGENDA

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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](mailto:conleye@ipcb.state.il.us)

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:

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