

ILLINOIS POLLUTION CONTROL BOARD

June 21, 2007

IN THE MATTER OF:)
)
PROCEDURES REQUIRED BY P. A. 94-849) R07-20
FOR REPORTING RELEASES OF) (Rulemaking - Water)
RADIONUCLIDES AT NUCLEAR POWER)
PLANTS: NEW 35 Ill. Adm. Code 1010)

ORDER OF THE BOARD (by G.T. Girard):

On May 25, 2007, the Illinois Environmental Protection Agency (Agency) filed a proposal under the general rulemaking provisions of Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (2006)). The rulemaking proposal was submitted pursuant to P. A. 94-849, which added Section 13.6 to the Act (415 ILCS 5/13.6 (2006)). Section 13.6 of the Act requires that the Agency propose rules to the Board “prescribing standards for detecting and reporting unpermitted releases of radionuclides.” 415 ILCS 5/13.6 (2006). The Board has one year from receipt of the proposal to adopt the standards. *Id.* For the reasons stated below, the Board accepts the proposal for hearing.

The proposal, which was accompanied by a motion for acceptance, includes a statement of reasons (Reasons), a synopsis of testimony and a statement regarding published studies and research reports. The Agency states that the proposal was developed in consultation with Interagency Coordinating Committee on Groundwater and the Groundwater Advisory Committee. Reasons at 3. The Agency also consulted with the Illinois Emergency Management Agency (IEMA) and Exelon Corporation. *Id.*

The statement of reasons explains that the proposal seeks to refine when an unpermitted release of radionuclides must be reported to the Agency and IEMA. Reasons at 4. The Agency indicates that the proposal addresses most of the concerns raised by those consulted except for a concern raised by Exelon Corporation. *Id.* The Agency did not include language suggested by Exelon Corporation, because the Agency believed the language exceeded the scope of Section 13.6 of the Act (415 ILCS 5.13.6 (2006)). *Id.*

The Board accepts this proposal for hearing and directs the assigned hearing officer to proceed expeditiously under the rulemaking provisions of the Act and the Board’s procedural rules. 415 ILCS 5/27, 28 (2006); 35 Ill. Adm. Code 102. After conducting one or more hearings on this proposal, the Board will consider whether to proceed to first notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 21, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board