

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

a) 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)
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 rules to allow for electronic filings in all Board proceedings through the Board's "Clerk's Office On-Line" (COOL). The rules will address 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 [415 ILCS 5/28] does not require public hearings concerning procedural rules. The Board therefore does not currently plan to schedule hearings in this rulemaking. The Board would conduct hearings, however, if the level of public interest indicates that they are desirable.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

D) Date agency anticipates First Notice:

The Board anticipates that it may propose amendments for first notice publication in the *Illinois Register* in the Spring or Summer of 2009.

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. Proceedings before the Board include enforcement complaint actions, administrative citation actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, property tax certifications, underground storage tank 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: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Richard McGill
Address: Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6983
Internet: mcgillr@ipcb.state.il.us

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:

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

b) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
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 in the process of developing a rulemaking proposal to file with the Board setting forth regulations that will incorporate the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for certain area sources, including but not limited to gasoline dispensing facilities.

B) Statutory authority: Implemented by Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by the Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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 Section 27 of the Act [415 ILCS 5/27].

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 Spring or Summer of 2009. After the filing of a proposal by the

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 rulemaking may affect any small business, small municipality, or not-for-profit corporation that would fall under the classification of a gasoline dispensing facility.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
Springfield, Illinois 62794
Telephone: 312-814-6983
Internet: webbc@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: Kent Mohr
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

c) Part (Heading and Code Citation):

Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R09-12

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 R09-12 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2008 through December 31, 2008. 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 other federal actions that may affect the definition of VOM by about mid-February 2009. The Board will then either propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R09-12, 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

the amendments are based. Assuming for purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2008, the due date for Board adoption of amendments in docket R09-12 would be July 1, 2009.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2009, after which time the Board will either dismiss this docket or 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 July 1, 2009, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2009. 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

- 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 R09-12, as follows:

Name: John T. Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R09-12, 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:

Two other presently known proceedings could affect the general provisions of Part 211. Both pertain to nitrogen oxides emissions control. The Board adopted a proposal for First Notice in docket R07-19 on September 16, 2008. The Board has held public hearings, but has not yet proposed amendments, in pending docket R08-19.

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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):

Sulfur Limitations (35 Ill. Adm. Code 214)

1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board setting forth regulations that will regulate the emissions of SO₂ from several source categories within the nonattainment areas.
- B) Statutory authority: Implemented by Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by the Section 27 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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 Section 27 of the Act [415 ILCS 5/27].
- 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 Spring or Summer of 2009. 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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

This rulemaking may affect any small business, small municipality, or not-for-profit corporations that owns or operates an affected emission unit.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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
P.O. Box 19276
Springfield, IL 62794

e) 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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 Retrofit Technology, 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_x, 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 Spring or Summer of 2009. 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 Spring or Summer of 2009. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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
P.O. Box 19276

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Springfield, Illinois 62794-9276

f) 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. The proposal will set forth state-wide regulations pertaining to volatile organic compounds (VOC) from several categories of products, including but not limited to the following: flexible packaging printing materials, lithographic printing materials, letterpress printing materials, industrial cleaning solvents, and flat wood paneling coatings. The proposal will establish VOC content limits for the various product categories as set forth in USEPA's Control Technique Guidelines.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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 Section 27 of the Act [415 ILCS 5/27].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 Spring or Summer of 2009. 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 products.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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: Dana Vetterhoffer
Address: Illinois Environmental Protection Agency

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

g) 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 (NOx) 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 NOx allowances and the repeal of the stay provisions. The Agency proposes amendments intended to ensure that the NOx 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 NOx 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 Section 27 of the Environmental Protection Act [415 ILCS 5/9.9, 10 and 27].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

C) Scheduled meeting/hearing dates:

In its most recent status report filed with the Board on October 30, 2008, the Agency stated that it was determining whether proposed amendments affecting the NOx SIP Call are now moot or whether they would be best addressed when the Agency addresses its obligations to mitigate interstate transport. Upon receipt of the Agency's next status report, the Board will determine whether to schedule hearings.

D) Date agency anticipates First Notice:

The Board anticipates adopting a first notice opinion and order in this rulemaking in the Spring or Summer of 2009.

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, noting docket number R06-22 to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R06-22 to:

Name: Tim Fox
Address: 100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6085
Internet: foxt@ipcb.state.il.us

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

- 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

h) Parts (Headings and Code Citations):

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

- 1) Rulemaking: No docket presently reserved.
- A) Description:
The rulemaking would amend Subpart U to provide consistency with recently adopted provisions of 35 Ill. Adm. Code 225.
- B) Statutory authority:
Implementing Section 9.9 and authorized by Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/9.9, 10 and 27].
- C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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].
- D) Date agency anticipates First Notice:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 Spring or Summer of 2009. 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 meets the applicability requirements set forth in 35 Ill. Adm. Code Section 217.454.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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 J. Kim, Managing Attorney
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Springfield, IL 62794

i) 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 in the process of developing a rulemaking proposal to file with the Board dealing with the Board's regulations for organic material emission standards and limitations for the Metro East and Chicago areas. More specifically, the Agency will be setting forth a proposal that amends Gasoline Volatility Standards. The rulemaking will also contain amendments to provide consistency between Illinois' regulations and the Federal rules.
- B) Statutory authority: Implemented by Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by the Section 27 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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 Section 27 of the Act [415 ILCS 5/27].
- 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 Spring or Summer of 2009. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

- 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 is currently regulated by 35 Ill. Adm. Code 219.585.

- F) Agency contact person for information:
Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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: Kent Mohr
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

- j) Parts (Headings and Code Citations): Open Burning (35 Ill. Adm. Code 237)

- 1) Rulemaking: No docket presently reserved

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board that would amend the time period of permit effectiveness and other related amendments to the regulatory language.
- B) Statutory authority: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27]
- C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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 Section 27 of the Act [415 ILCS 5/27].
- 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 Spring or Summer of 2009. 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 rulemaking may affect any small business, small municipality, or not-for-profit corporation that has previously obtained an open burning permit from the Agency or will in the future apply for an open burning permit from the Agency.
- F) Agency contact person for information:
Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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 Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

- k) Parts (Headings and Code Citations): Mobile Sources (35 Ill. Adm. Code 240)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board dealing with the Board's regulations for the vehicle inspection and maintenance testing program. The regulations will be revised to reflect changes in relevant law and operational aspects of the underlying vehicle inspection and maintenance testing program.
- B) Statutory authority: Implementing and authorized by the Vehicle Emissions Inspection Law [625 ILCS 5/ch. 13B] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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 Section 27 of the Act [415 ILCS 5/27].

- 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 Spring or Summer of 2009. 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 rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.
- F) Agency contact person for information:
Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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

Name: Kent Mohr
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794
(217) 782-5544

I) Parts (Headings and Code Citations):

Air Quality Standards (35 Ill. Adm. Code 243)

1) Rulemaking: R09-19

A) Description:

On December 1, 2008, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) pursuant to Sections 27 and 28 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/27, 28 (2006)). The Agency proposes to amend Part 243 to reflect new National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA). Specifically, the Agency proposes to repeal the one-hour ozone standard and replace it with the eight-hour ozone standard. The Agency also proposes to incorporate the new particulate matter (PM_{2.5}) standard.

B) Statutory Authority:

Implementing Section 10 of the Act (415 ILCS 5/10 (2006)) and authorized by Sections 27 and 28 of the Act (415 ILCS 5/27, 28 (2006)).

C) Scheduled meeting/hearing dates:

The Board has scheduled two hearings in this rulemaking, as required by Sections 27 and 28 of the Act (415 ILCS 5/27, 28 (2006)). The first

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POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

hearing will take place in Edwardsville on February 3, 2009, and the second hearing will take place in Chicago on March 10, 2009.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2009.

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

Any small business, small municipality, or not-for-profit corporation that emits the contaminants regulated by Part 243 could be affected by the proposed amendments.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Assistant Clerk
Address: Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274
Telephone: 217-524-8509
Internet: webbc@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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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

m) Part (Heading and Code Citation):

Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

1) Rulemaking: R08-9

A) Description:

On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.

In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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:

The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. All hearings have been held during calendar year 2008. The hearings were held in Chicago on January 28, June 16, September 8-10, and September 23-25. Hearings were held in Joliet on March 10-12, October 27- 28, and November 17. Hearings were held in Des Plaines on April 23-25, and December 2-3. Additional hearings will be scheduled in 2009.

D) Date agency anticipates First Notice:

The Board will consider this rulemaking for first notice publication in the *Illinois Register* in the Spring or Summer of 2009.

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

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

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address concerning this regulatory agenda to:

Name: Marie Tipsord

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JANUARY 2009 REGULATORY AGENDA

Address: Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-4925
Internet: tipsorm@ipcb.state.il.us

G) Related rulemaking and other pertinent information:

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

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

n) Parts (Headings and Code Citations):

Formatted

Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

1) Rulemaking: R07-21

A) Description:

On May 30, 2007, the City of Joliet (Joliet) filed a proposal for a site-specific rulemaking with the Board. Joliet's proposal seeks site-specific relief from the Board's general use water quality standards for copper and fluoride (35 Ill. Adm. Code 302.208(e) and (g)) and provisions for determining water quality based effluent limitations (35 Ill. Adm. Code 304.105). Joliet states that under its proposal, the general use water quality standards for copper and fluoride and the provisions for determining water quality based effluent limitations would not apply to that portion of Hickory Creek downstream from the Joliet Street Bridge in Joliet to the juncture with the Des Plaines River that receives the discharge from the Joliet East Side waste water treatment plant (WWTP). Instead, Joliet proposes that its East Side WWTP discharge would have to comply

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

with limits of 0.15 milligrams per liter (mg/L) for copper and 3.5 mg/L for fluoride as monthly average values.

Joliet explains that its petition is a follow-up to a March 30, 2007 Consent Order entered in a Will County Circuit Court case between Joliet, the Illinois Environmental Protection Agency, and the Attorney General's Office. According to Joliet, the Consent Order set interim daily maximum limits for copper limit (0.1156 mg/L) and fluoride (3.5 mg/L).

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The assigned Board hearing officer is awaiting word from Joliet on Joliet's readiness to proceed with a hearing in this site-specific rulemaking.

D) Date agency anticipates First Notice:

The Board anticipates that it may propose a site-specific rule for first-notice publication in the *Illinois Register* in the Spring or Summer of 2009.

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 downstream of Joliet's discharge into the Des Plaines River, as outlined above.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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JANUARY 2009 REGULATORY AGENDA

Address questions concerning this regulatory agenda to:

Name: Richard McGill
Address: Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6983
Internet: mcgillr@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:
None

o) Parts (Headings and Code Citations):

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Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

- 1) Rulemaking: Docket Number R09-11

A) Description:

On October 17, 2009, the City of Galva filed with the Board a proposal for site specific rule docketed as Proposed Site Specific Rule Applicable to the City of Galva Sewage Treatment Plants Discharge to Edwards River and Mud Run Creek, 35 Ill. Adm. Code 302.208(g) (R09-11). Galva (located in Henry County) explains that it seeks an alternative water quality standard for boron for discharges from its two sewage treatment plants into the South Branch of the Edwards River and Mud Run Creek. The source of the boron is the groundwater from aquifers that supply Galva's drinking water. The general use water quality standard in 35 IAC 302.208(g) for boron is 1.0 mg/l. There is no effluent standard established by Board rule, but Galva's permit under the National Pollutant Discharge Elimination System (NPDES) has a 1.0 mg/l boron effluent limit. Galva requests a change in the boron water quality standard to 3.0 in delimited portions of the receiving waters, suggesting that the rule should be codified within 35 Ill. Adm. Code 303.Subpart C.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Galva's petition for rule change (Pet.) analyses and summarizes six potential compliance options. The cost would range from \$2 million to \$13.6 million. Pet. at 23. Galva asserts that there is no technologically feasible or technically reasonable alternative to the relief sought. It also asserts that no adverse effect is expected on aquatic life in either of the affected receiving waters.

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:

The Board has yet to accept the petition for hearing. Once the Board does so, it will hold at least one hearing in Henry County

D) Date agency anticipates First Notice:

The Board may propose a site-specific rule for first notice publication in the *Illinois Register* in the Spring or Summer of 2009.

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 South Branch of the Edwards River and Mud Run Creek.

F) Agency contact person for information:

Address written comments concerning the substance of the R09-11 rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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

Address concerning this regulatory agenda to:

Name: Carol Webb
Address: 1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@pcb.state.il.us

G) Related rulemaking and other pertinent information:

The City of Springfield has also requested-site specific relief for boron discharges from its sewage treatment plant. This request is being handled in Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g) (R09-8). See the Notice of Proposed Amendment in R09-8 at 32 *Ill. Reg.* 16303 (Oct. 10, 2008).

p) Parts (Headings and Code Citations):

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

1) Rulemaking: Docket number R09-18

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).

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

The Board has reserved docket number R09-18 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2008 through December 31, 2008. At this time, the Board is not aware of any federal amendments to the federal wastewater pretreatment regulations 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-February 2009. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R09-18, 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 R09-18, if the earliest federal amendments in the applicable period occurred on July 1, 2008, the due date for Board adoption would be July 1, 2009.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2009, after which time the Board will propose any amendments to the Illinois

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2009, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-April 2009. 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 R09-18, as follows:

Name: John T. Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R09-18, as follows:

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:

No other presently-known proceeding would affect provisions of Parts 307 and 310.

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.

q) 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].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 during the Spring or Summer of 2009. 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: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

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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POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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

r) 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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).

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 Spring or Summer of 2009. 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: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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JANUARY 2009 REGULATORY AGENDA

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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

s) Part (Heading and Code Citation):

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

1) Rulemaking: Docket number R09-13

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 R09-13 to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection

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POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Agency (USEPA) may make in the period July 1, 2008 through December 31, 2008. At this time, the Board is not aware any federal amendments to the SDWA primary drinking water regulations that occurred during this update period.

The Board will verify the existence of any other federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-February 2009. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R09-13, 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 R09-13, if the earliest federal amendments in the applicable period occurred on July 1, 2008, the due date for Board adoption would be July 1, 2009.

B) Statutory authority:

Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2009, 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

amendments in this docket were assumed to be July 1, 2009, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early April 2009. 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 R09-13, as follows:

Name: John T. Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R09-13, as follows:

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

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JANUARY 2009 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:

No other presently-known proceeding would affect provisions of Part 611.

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.

t) 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].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 Spring or Summer of 2009. 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: John Therriault, Acting 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: Carol Webb
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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

u) Part (Heading and Code Citation):

Groundwater Quality (35 Ill. Adm. Code 620)

1) Rulemaking: R08-18

A) Description:

On February 19, 2008, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) to amend the Board's groundwater quality rules (35 Ill. Adm. Code 620). On March 20, 2008, the Board accepted the Agency's proposal for hearing in Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620, docket R08-18. In its proposal, the Agency notes that it is periodically necessary to amend the groundwater quality standards to account for new

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

scientific data, federal updates, updated technical references, and the discovery of additional groundwater parameters. To that end, the proposed amendments, according to the Agency are intended to ensure that as the science and technical data behind the standards evolve, the groundwater regulations stay current.

The Agency states that in developing the proposal, the Agency evaluated the electronically-reported groundwater data for Illinois Resource Conservation and Recovery Act (RCRA) and solid waste facilities under its purview. A data query was conducted for some 300 groundwater parameters not included in 35 Ill. Adm. Code 620.Subpart C. The Agency explains that it also evaluated confirmed groundwater contaminants at various cleanup sites. The Agency now proposes, for example, updates to make Part 620 consistent with groundwater remediation objectives listed in the Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742) for several chemicals detected in groundwater but not currently included in Part 620. The Agency also proposes a groundwater standard for perchlorate based on the new reference dose published by the United States Environmental Protection Agency (USEPA) and recommended by the National Academy of Science (NAS). Additionally, the Agency is proposing an amendment to the existing groundwater standard of 0.050 milligrams per liter (mg/L) for arsenic based on the amendment of the federal drinking water standard or maximum contaminant level (MCL) for arsenic to 0.010 mg/L. The Agency further proposes amendments to the provisions on incorporations by reference, including the addition of "Guidance Document for Groundwater Protection Needs Assessments (January 1995)," prepared by the Agency, the Illinois State Water Survey, and the Illinois State Geologic Survey.

B) Statutory authority:

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

C) Scheduled meeting /hearing date:

The Board has scheduled two hearings in this rulemaking as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/28].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

The first hearing took place in Chicago on June 18, 2008, and the second hearing is scheduled to take place in Springfield on July 16, 2008.

D) Date agency anticipates First Notice:

The Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* in the Spring or Summer of 2009.

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

The Agency does not anticipate that the proposed amendments would have a significant impact on any small business, small municipality, or not-for-profit corporation. Sources and facilities that may be impacted would include those that cause, threaten, or allow the contamination of groundwater. According to the Agency, however, the proposed groundwater quality standards do not establish new corrective action or monitoring programs, and new constituent standards would be phased into existing programs, as appropriate, over time. The Agency explains that any economic impact resulting from applying the new standards therefore would be incremental and occur on a site-by-site basis over time. Considering the resource and its end users, the Agency indicates that economic benefits may result from adopting these standards, including reduced health risks, reduced expenses for treating water at wellheads, and reduced expenses for obtaining water supplies.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Richard McGill
Address: Pollution Control Board

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6983
Internet: mcgillr@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

v) 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 R09-14

A) Description:

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

The Board has reserved docket number R09-14 to accommodate any
amendments to the federal UIC regulations, 40 CFR 144 through 148,
during the period July 1, 2008 through December 31, 2008. At this

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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-February 2009. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R09-14, 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 R09-14, if the earliest federal amendments in the applicable period were assumed to have occurred on the first day of the update period, July 1, 2008, the due date for Board adoption would be July 1, 2009.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2009, 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 July 1, 2009, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

appear in the *Illinois Register* by mid-April 2009. 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 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 R09-14, as follows:

Name: John T. Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R09-14, 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:

The reserved RCRA Subtitle C update docket R09-16, and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702,

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

705, and 720. No other presently known proceeding would affect Part 730.

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.

w) Parts (Headings and Code Citations):

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

1) Rulemaking: Docket number R09-16

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 R09-16 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2008 through December 31, 2008. At this time, the Board is aware of two sets of federal amendments to the federal RCRA Subtitle C hazardous waste regulations that occurred during this update period which will require Board attention. Those amendments are described as follows:

October 30, 2008 (73 Fed. Reg. 64668)

USEPA amended the definition of solid waste to exclude certain hazardous secondary materials from regulation as hazardous waste. USEPA sought to respond to judicial decisions and to encourage resource conservation and recycling. The rules add an exclusion for certain secondary materials that the generator reclaims. The rules add a conditional exclusion for secondary materials that the generator transfers for reclamation. USEPA also added a procedure (separate from the existing solid waste determination of 40 C.F.R. 260.30) for a "non-waste" determination, through which the generator can obtain a determination that its activities are legitimate, so that the material is not waste. Included are extensive financial assurance requirements applicable to the management of excluded reclaimed materials.

December 1, 2008 (73 Fed. Reg. 64668)

USEPA adopted a set of alternative hazardous waste generator requirements applicable to college and university laboratories and other facilities affiliated with colleges and universities. A regulated entity may opt to comply with the alternative standards in lieu of the pertinent of the generally applicable large-quantity waste generator, small-quantity waste generator, or conditionally exempt small-quantity generator waste regulations.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

The Board will verify the existence of any other federal actions that affect the RCRA Subtitle C regulations and the Board action required in response to each in coming weeks, by about mid-February 2009. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R09-16, 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. In docket R09-16, the earliest federal amendments in the applicable period appear to have occurred on October 30, 2008. Based on that date, the due date for Board adoption of amendments would be October 30, 2009.

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-February 2009, 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 October 30, 2009, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-June 2009. 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 R09-16, as follows:

Name: John T. Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R09-16, as follows:

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

- G) Related rulemakings and other pertinent information:

The reserved UIC update docket R09-14, and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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.

x) Part (Heading and Code Citation):

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

1) Rulemaking: Docket number R09-17

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 R09-17 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2008 through December 31, 2008. 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-February 2009. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R09-17, as necessary and appropriate.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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, July 1, 2008, the due date for Board adoption of amendments in docket R09-17 would be July 1, 2009.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2009, 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 July 1, 2009, 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-April 2009. 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

- 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 R09-17, as follows:

Name: John T. Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R09-17, as follows:

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

- G) Related rulemakings and other pertinent information:

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

will accept public comments on the proposal for 45 days after the date of publication.

y) 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). 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].

D) Date Agency Anticipates First Notice:

The Agency proposal may be filed with the Board as soon as Spring or Summer of 2009, 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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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

z) Part (Headings and Code Citation):

Solid Waste and Special Waste Hauling (35 Ill. Adm. Code Part 807 and 811)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 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 or Summer of 2009, 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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@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
Internet: Stephanie.Flowers@epa.state.il.us

aa) 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)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R09-15

A) Description:

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

The Board has reserved docket number R09-15 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2008 through December 31, 2008. 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-February 2009. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R09-15, 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. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2008, the due date for adoption of amendments in docket R09-15 would be July 1, 2009.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2009, 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 July 1, 2009, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-April 2009. 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 R09-15, as follows:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Name: John T. Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R09-15, as follows:

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

G) Related rulemakings and other pertinent information:

No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 813, 814, or 815.

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.

bb) Part (Headings and Code Citations):

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

1) Rulemaking: No docket presently reserved.

A) Description:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

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 Spring or Summer of 2009, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

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

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

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

Address questions concerning this regulatory agenda to:

Name: Carol Webb
Address: Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Telephone: 217-524-8509
Internet: webbc@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the development of these rules please contact:

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

cc) Parts (Headings and Code Citations):

Procedures for Permit Issuance (35 Ill. Adm. Code 705)

1) Rulemaking: No docket presently reserved.

A) Description:

35 Ill. Adm. Code 705 contains procedural requirements the Illinois Environmental Protection Agency (Agency) must follow for the issuance of RCRA (Resource Conservation and Recovery Act) and UIC (Underground Injection Control) permits. The Agency is considering a proposal that would amend 35 Ill. Adm. Code 705.165 to make it consistent with the requirements in the corresponding provision in the

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

U.S. Environmental Protection Agency's RCRA and UIC rules, 40 C.F.R. 124.10(e) (2008).

B) Statutory authority:

These rules will be proposed pursuant to Sections 4(i), 22.4(b), 27 and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 22.4(b), 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 Spring or Summer of 2009, 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 wish to participate in public comment or public hearing proceedings for RCRA or UIC permit applications. If so, they may be required to request the specified documents from the Agency rather than receiving them unsolicited along with the public notice of a tentative permit denial, comment period or hearing.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Name: John Therriault, Acting Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
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G) Related rulemakings and other pertinent information:

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@illinois.gov

dd) 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. The proposal will set forth state-wide regulations pertaining to volatile organic compounds (VOC) from several categories of products, including but not limited to the

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

following: metal furniture coatings, large appliance coatings, and paper, film and foil coatings. The proposal will establish VOC content limits for the various product categories as set forth in USEPA's Control Technique Guidelines.

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 Spring or Summer of 2009. 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].

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 Spring or Summer of 2009. 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 products.

F) Agency contact person for information:

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

ee) 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. The proposal will set forth state-wide regulations pertaining to volatile organic compounds (VOC) from several categories of products, including but not limited to the

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

following: miscellaneous metal products coatings, plastic parts coatings, auto and light-duty truck assembly coatings, fiberglass boat manufacturing materials, and miscellaneous industrial adhesives. The proposal will establish VOC content limits for the various product categories as set forth in USEPA's Control Technique Guidelines.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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 of the Act [415 ILCS 5/27].

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 Spring or Summer of 2009. 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 products.

F) Agency contact person for information:

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Name: Dana Vetterhoffer
Address: Illinois Environmental Protection Agency
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ff) 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. The proposal will modify the definitions of "miscellaneous metal parts and products

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2009 REGULATORY AGENDA

coating” and “coil coating” for Parts 218 and 219 to clarify that lubricating oils are not considered “coatings” for purposes of Subpart F, Coating Operations, but rather protective oils applied to metal for the purpose of providing lubrication, similar to the treatment of such oils under the Federal National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, 40 CFR Part 63, Subpart MMMM.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2009. 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 Section 27 of the Act [415 ILCS 5/27].

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 Spring or Summer of 2009. 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 uses lubricating oil that is applied to metal for purposes of lubrication in a metal fabrication process.

F) Agency contact person for information:

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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
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1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276