

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

a) Parts (Headings and Code Citations):

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

Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (Agency) is 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 to repeal the Gasoline Volatility Standards due to applicability of the Federal gasoline volatility standards and the federal reformulated gasoline program. The rulemaking will also contain other minor amendments including allowing the use of equivalent high volume low pressure spray gun technology in motor vehicle refinishing operations under Subpart HH of Parts 218 and 219.
- B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by the Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 5/28].
- C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. 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 and 28 of the Act [415 ILCS 5/27 and 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 Winter of 2011. After the filing of a proposal by the Agency, the

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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 is currently regulated by 35 Ill. Adm. Code 218.585, 219.585, and Subpart HH of Parts 218 and 219.

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

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

Address questions concerning this regulatory agenda to:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
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:

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

- b) Parts (Headings and Code Citations):

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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: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27].
 - C) Scheduled meeting/hearing dates:
The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. 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 Fall or Winter of 2011. 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:

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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 and other area source NESHAPs.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Carol Webb
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1021 North Grand Ave. East
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Springfield, Illinois 62794
217-524-8509
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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:

Kent Mohr
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1021 North Grand Avenue East
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c) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)

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1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently contemplating developing amendments for proposal to the Board exempting smaller sources emitting greenhouse gases from permitting. The proposal relates to permitting exemptions under Section 201.146, 201.210 and other related sections in that Part. The proposal will also include streamlining permit exemptions, clarifying exemptions, and adding additional exemptions from the requirements to obtain construction and operating permits for smaller units and sources. The proposal may also amend or create definitions.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Winter of 2011. 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 Winter of 2011. 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:

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This proposal may affect any small business, small municipality or not-for-profit corporation that emits greenhouse gases or that propose to construct and/or operate projects that are very small and are required to obtain construction and operating permits.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Carol Webb
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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:

Rachel L. Doctors
Illinois Environmental Protection Agency
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1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

d) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)

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1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently contemplating developing amendments for proposal to the Board. The proposal relates to the collection of fees under the Clean Air Act Permit Program (“CAAPP”) from sources emitting greenhouse gases. The proposal may amend or create definitions.

B) Statutory authority:

Implementing Section 10 of the Act [415 ILCS 5/10] and consistent with by Sections 27 of the Act [415 ILCS 5/27], and necessary should Section 39.5 of the Act be amended [415 ILCS 5/39.5].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. 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 Fall or Winter of 2011. 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 and may have to obtain permits and pay higher fees.

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F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
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Address questions concerning this regulatory agenda to:

Carol Webb
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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:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
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Springfield, IL 62794-9276
217-782-5544

e) Parts (Headings and Code Citations): Major Stationary Sources Construction and
Modification (35 Ill. Adm. Code 203)

1) Rulemaking: No docket presently reserved.

A) Description:

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The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to add relevant applicability provisions to explicitly address PM2.5 and related precursor compounds.

B) Statutory authority:

Implementing Sections 9.1 and 10 and authorized by Section 27 and Section 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27 and 28.5].

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. 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 Fall of 2011. 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 rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 203.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk
Pollution Control Board

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Address questions concerning this regulatory agenda:

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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:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

f) Parts (Headings and Code Citations):

Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)

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 establish a "grandfathering" provision for particulate matter less than 2.5 micrometers (PM2.5) in the Federal Prevention of Significant Deterioration (PSD) program. The "grandfathering" provision applies to permit applications submitted before the July 15, 2008, effective date of

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the new rule, which allows the PM10 surrogate policy to continue to be used as the basis for approving such permits for PM2.5.

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 Fall or Winter of 2011. 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 Fall or Winter of 2011. 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 components of particulate matter.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

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Address questions concerning this regulatory agenda to:

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217-524-8509
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:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

g) Part (Heading and Code Citation):

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

1) Rulemaking: Docket number R12-3

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

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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 R12-3 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any federal amendments to the federal RCRA Subtitle C hazardous waste rules that occurred during this update period.

The Board will verify the existence of any federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then either propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R12-3, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2011, the due date for Board adoption of amendments in docket R12-3 would be January 1, 2012.

B) Statutory authority:

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

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C) Scheduled meeting/hearing dates:

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

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, 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 is assumed to be January 1, 2012, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

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

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-3, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R12-3, as follows:

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

G) Related rulemakings and other pertinent information:

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

h) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to revise the methods for measuring filterable and condensable PM10 and to add methods for measuring filterable and

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condensable PM2.5. The rulemaking may also include necessary clean-up language and updates throughout Part 212.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Agency has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2011. 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 Fall or Winter of 2011. 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 rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 212.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk
Pollution Control Board
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JULY 2011 REGULATORY AGENDA

312-814-3629

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Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

H) Related rulemakings and other pertinent information:

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

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

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 currently developing amendments for proposal to the Board. The proposal will modify the definitions of "miscellaneous metal parts and products

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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 Fall or Winter of 2011. 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 Fall or Winter of 2011. 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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POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Carol Webb
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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:

Gina Roccaforte
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

j) Part (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: Docket number R11-23

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A) Description:

The proposed rules amend the Board's regulations for organic material emission standards and limitations for the Metro East and Chicago areas. Specifically, the proposal will amend recently promulgated regulations regarding Group II and Group IV Consumer and Commercial Products. The amendments are in response to comments the Agency received from the United States Environmental Protection Agency. The Illinois Environmental Protection Agency (Agency) filed the proposal on March 7, 2011 under the "fast-track" provisions of Section 28.5 of the Act.

B) Statutory authority:

Implemented by Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/27, 5/28, and 5/28.5].

C) Scheduled meeting/hearing dates:

Hearings were held on April 27, May 1, and June 1, 2011 as required by Sections 27, 28 and 28.5 of the Act [415 ILCS 5/27, 28 & 28.5].

D) Date Agency anticipates First Notice:

A Notice of Proposed Rules was published in the *Illinois Register* on April 1, 2011 (35 Ill. Reg. 4887).

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 is currently regulated by 35 Ill. Adm. Code 218 or 219 and that falls within one of the Group II or IV Product Categories.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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POLLUTION CONTROL BOARD

JULY 2011 REGULATORY AGENDA

Tim Fox
Pollution Control Board
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Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
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G) Related rulemakings and other pertinent information:

For information regarding the development of these rules please contact:

Dana Vetterhoffer
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Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544
dana.vetterhoffer@illinois.gov

k) Parts (Headings and Code Citations):

Nitrogen Oxide Omissions (35 Ill. Adm. Code 217)

1) Rulemaking: Docket number R11-8

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A) Description:

On September 2, 2010, the Board accepted for hearing a proposal for statewide general rulemaking filed on August 19, 2010, by the Illinois Environmental Protection Agency (Agency). The proposal seeks to amend the Board's air rules pursuant to the general rulemaking provisions of Sections 10, 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/10, 27 and 28 (2008)) and the Board's procedural rules at 35 Ill. Adm. Code 102.202(b). The Agency states that the proposed amendments would sunset the trading provisions of the Nitrogen Oxide SIP Call Trading Program. The sole provisions to be amended involve the holding and trading provisions in Part 217.Subpart U, codified at 35 Ill. Adm. Code Part 217.Subpart U.

Any person interested in reviewing the Agency's proposal or any other documents introduced to docket R11-8 may do so online at the Board's web page: www.ipcb.state.il.us, using the "E-Library" feature indicated on the home page.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

Section 28 of the Act [415 ILCS 5/28] requires that the Board conduct public hearings on the Agency's proposal in two separate areas of the State, after first publishing newspaper notice of the hearings at least 20 days prior to the date of the hearings. The Board has scheduled the first hearing in Springfield on December 9, 2010. A second hearing will be scheduled for Chicago in Spring 2011.

D) Date agency anticipates First Notice:

The Board expects to proceed with publication of first notice in Summer 2011.

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

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

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R11-8, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R11-8, as follows:

Daniel Robertson, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6931
robertsd@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:

No other presently anticipated proceedings would affect the text of the proposed Part 217.

For information regarding the development of these amendments, please contact:

Rachel Doctors, Assistant Counsel
Illinois Environmental Protection Agency

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1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Rachel.Doctors@il.gov

1) Parts (Headings and Code Citations):

Nitrogen Oxide Omissions (35 Ill. Adm. Code 217)

1) Rulemaking: Docket number R11-24
R11-26 (consolidated)

A) Description:

On April 7, 2011, the Board accepted for hearing a proposal for statewide general rulemaking filed on April 4, 2011, by the Illinois Environmental Protection Agency (Agency) and assigned docket R11-24. The proposal seeks to amend the Board's air rules pursuant to the general rulemaking provisions of Sections 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/27 and 28 (2008)) and the Board's procedural rules at 35 Ill. Adm. Code 102.202. The Agency states that the proposed amendments would modify the date for compliance with the requirements of various Subparts of 35 Ill. Adm. Code Part 217, which contain provisions relating to the control of nitrogen oxides emissions from various source categories, including emission units within these source categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steel making and aluminum melting and fossil-fuel fired stations.

On May 19, 2011, the Board accepted for hearing an identical proposal for statewide general rulemaking filed on April 22, 2011, by the Illinois Environmental Regulatory Group (IERG) and assigned docket R11-26. The Board consolidated R11-24 with R11-26 on May 19, 2011.

Any person interested in reviewing the Agency's or IERG's proposals or any other documents introduced to dockets R11-24 or R11-26 may do so online at the Board's web page: www.ipcb.state.il.us, using the "E-Library" feature indicated on the home page.

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B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

Section 28 of the Act [415 ILCS 5/28] requires that the Board conduct public hearings on the proposals in two separate areas of the State, after first publishing newspaper notice of the hearings at least 20 days prior to the date of the hearings. The first hearing was held on June 2, 2011 in Chicago. The second hearing was held on June 28, 2011 in Edwardsville.

D) Date agency anticipates First Notice:

The Board expects to proceed with publication of first notice in Summer or Fall 2011.

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

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

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R11-24 or R11-26, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R11-24 or R11-26, as follows:

Daniel Robertson, Attorney

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Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6931
robertsd@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently anticipated proceedings would affect the text of the proposed Part 217.

For information regarding the development of these amendments, please contact:

Gina Roccaforte, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Gina.Roccaforte@Illinois.gov

m) Parts (Headings and Code Citations):

Standards and Limitations for Organic Material Emissions for Area Sources (35 Ill. Adm. Code 223)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is currently contemplating developing amendments for proposal to the Board. The proposal would alter or remove an exemption for AIM coatings being sold in packages of one quart or less. The proposal will also add several source categories of consumer products to the list, as well as some clean-up or housekeeping amendments.

B) Statutory authority:

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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 Fall or Winter of 2011. 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 Fall or Winter of 2011. 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:

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

Address questions concerning this regulatory agenda to:

Carol Webb
1021 North Grand Avenue East
P.O. Box 19274

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Springfield, Illinois 62794-9274
217-524-8509
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:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

n) Parts (Headings and Code Citations):

Hospital/Medical/Infectious Waste Incinerators (35 Ill. Adm. Code 229)

1) Rulemaking: R11-20

A) Description:

On December 23, 2010, the Illinois Environmental Protection Agency (Agency) proposed state-wide amendments to tighten requirements pertaining to Hospital/Medical Infectious Waste Incinerators.

The proposed rules would reflect amendments promulgated by USEPA to federal air quality standards including new source performance standards (NSPS) and emissions guidelines (EG). Changes include revised emission standards (more stringent than existing ones), revised waste management plan provisions (for greater flexibility in demonstrating compliance), and removal of an existing startup, shutdown, and malfunction provision.

The only known affected Illinois source is the Stericycle, Inc. facility in Clinton, DeWitt County.

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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:

Hearings were held on June 8, 2011 in Clinton, and June 28, 2011 in Chicago.

D) Date agency anticipates First Notice:

The Board anticipates that it will cause publication of a Notice of Proposed Amendments in the *Illinois Register* during the summer of 2011.

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. However, none have been identified.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking, noting docket R11-20 to:

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

Address questions concerning this regulatory agenda, noting docket R11-20 to:

Kathleen Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

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312-814-6929

crowlek@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:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

o) 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. The rulemaking will propose to repeal the steady-state idle exhaust and evaporative system integrity test standards as a result of amendments to the Vehicle Emissions Inspections Law. The rulemaking will propose other necessary changes as a result of amendments to the Vehicle Emissions Inspection Law.

B) Statutory authority: Implementing and authorized by the Vehicle Emissions Inspection Law [625 ILCS 5/13C] and Sections 27 and 28 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 2011. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct

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public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal in the Spring or Summer of 2011. 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 standards.

F) Agency contact person for information:

Address comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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

G) Related rulemakings and other pertinent information:

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

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

p) Parts (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

1) Rulemaking: R11-18

A) Description:

On December 2, 2010, pursuant to the requirements of the Clean Water Act to conduct triennial reviews of water quality standards [33 U.S.C. §1313(c)(1)], the Illinois Environmental Protection Agency filed a rulemaking proposal with the Board. The proposal would update the Public and Food Processing Water Supply and General Use water quality standards in 35 Ill. Adm. Code Part 302 for boron, manganese and fluoride based on the most up to date scientific information available.

The Agency has also proposed other miscellaneous changes, including a proposal to eliminate the *Illinois Register* publication requirement for numeric criteria derived under 35 Ill. Adm. Code 302.Subpart F, such criteria instead to be maintained on the Agency website under specified update conditions; corrections to the General Use zinc standard; elimination of STORET codes (as that database is no longer being supported by USEPA); revision to cross-references; clarification of language in Section 302.208; and changes of references to cyanide mercury, chloride, and toluene in tables.

B) Statutory Authority:

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

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C) Scheduled meeting/hearing dates:

A hearing was held in Springfield on June 21, 2011, and another hearing is scheduled for July 26, 2011 in Chicago.

D) Date agency anticipates First Notice:

After the hearings, and following the close of the post-hearing comment period, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* in late 2011 or early 2012.

E) Affect 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 discharge boron, manganese, fluoride, or zinc into waters of the State designated as General Use waters or Public and Food Processing Water Supply waters.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R11-18 to:

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

Address questions concerning this regulatory agenda, noting docket number R11-18 to:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
crowlek@ipcb.state.il.us

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G) Related Rulemaking and other pertinent information:

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

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

q) Part (Heading and Code Citation):

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

1) Rulemaking: Docket Number R08-9 Subdocket A

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

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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.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket A will deal with issues related to recreational use designations.

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]. Hearings have been held during calendar years 2008, 2009, and 2010 in Chicago, Joliet, and Des Plaines. The Board has held 45 days of hearing, and received numerous comments on this subdocket.

D) Date agency anticipates First Notice:

The first notice period began in August 2010.

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 Chicago river or the lower Des Plaines River.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk

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

Address questions concerning this regulatory agenda to:

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

G) Related rulemaking and other pertinent information:

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

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

r) Part (Heading and Code Citation):

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

1) Rulemaking: Docket Number R08-9 Subdocket B

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

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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.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket B will address issues relating to disinfection and whether or not disinfection may or may not be necessary to meet those use designation.

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]. Hearings have been held during calendar years 2008, 2009, and 2010 in Chicago, Joliet, and Des Plaines. The Board has held 45 days of hearing.

D) Date agency anticipates First Notice:

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The Board will consider this rulemaking for first notice publication in the *Illinois Register* in the Summer of 2011.

- 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 Chicago river or the lower Des Plaines River.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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

- G) Related rulemaking and other pertinent information:

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

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

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217-782-5544

s) Part (Heading and Code Citation):

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

1) Rulemaking: Docket Number R08-9 Subdocket C

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.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket C will address the issues involving proposed aquatic life uses.

B) Statutory authority:

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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]. Hearings have been held during calendar years 2008, 2009, and 2010 in Chicago, Joliet, and Des Plaines. The Board has held 45 days of hearing, and additional hearings have been scheduled in 2011.

D) Date agency anticipates First Notice:

The Board will consider this rulemaking for first notice publication in the *Illinois Register* in the Fall of 2011.

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 Chicago river or the lower Des Plaines River.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-4925

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G) Related rulemaking and other pertinent information:

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

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

t) Part (Heading and Code Citation):

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

1) Rulemaking: Docket Number R08-9 Subdocket D

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

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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.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket D will address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.

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]. Hearings have been held during calendar years 2008, 2009, and 2010 in Chicago, Joliet, and Des Plains. The Board has held 45 days of hearing, and additional hearings have been scheduled in 2011.

D) Date agency anticipates First Notice:

The Board will consider this rulemaking for first notice publication in the *Illinois Register* in the Fall of 2011.

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 Chicago river or the lower Des Plaines River.

F) Agency contact person for information:

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Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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

G) Related rulemaking and other pertinent information:

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

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

u) Parts (Headings and Code Citations):

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

1) Rulemaking: Docket Number R07-21

A) Description:

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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 with limits of 0.15 milligrams per liter (mg/L) for copper and 3.5 mg/L for fluoride as monthly average values. Joliet filed an amended petition on December 31, 2009.

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 (IEPA), 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).

The Board has delayed hearing in this rulemaking at the request of Joliet, pending among other things, additional information concerning potential funding sources for WWTP improvements. In an April 20, 2011, status report, Joliet reported steps it has taken to move forward with the compliance program to allow it to ultimately move its discharge from Hickory Creek and the confluence with the Des Plaines River directly to the Des Plaines River. The Board will schedule hearings when Joliet is prepared to proceed to hearing.

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

C) Scheduled meeting/hearing dates:

The Board will schedule hearings when Joliet is ready to proceed to hearing.

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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 Winter or Spring of 2012.

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, noting docket R07-21 to:

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

Address questions concerning this regulatory agenda, noting R07-21 to:

Kathleen Crowley
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-6929
crowlek@ipcb.state.il.us

G) Related rulemakings and other pertinent information:
None

v) Parts (Headings and Code Citations):

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

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1) Rulemaking: Docket number R12-2

A) Description:

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

The Board has reserved docket number R12-2 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2011 through June 30, 2011. 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-August 2011. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R12-2, 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. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2011, the due date for Board adoption of amendments in docket R12-2 would be January 1, 2012.

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].

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C) Scheduled meeting/hearing dates:

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

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2012, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2011. 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 R12-2, as follows:

John T. Therriault, Assistant Clerk

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POLLUTION CONTROL BOARD

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

Address questions concerning this regulatory agenda, noting docket number R12-2, as follows:

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

G) Related rulemakings and other pertinent information:

No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 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.

w) 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

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limits, pathogen reduction requirements, and vector control measures applicable to sludge applied to land.

B) Statutory authority:

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

C) Schedule meeting/hearing date:

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

D) Date agency anticipates First Notice:

An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal during the Fall or Winter of 2011. 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:

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

Address questions concerning this regulatory agenda to:

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POLLUTION CONTROL BOARD

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Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
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.

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

Stefanie Diers
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

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

Alan Keller, P.E.
Manager, Northern Municipal Unit
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
217-782-0810

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- x) 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 Concentrated Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were adopted on December 22, 2008.
- B) Statutory Authority:
- Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting/hearing dates:
- No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice:
- An Agency submittal of the rulemaking proposal is anticipated by Fall or Winter of 2011. 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 definition of a Concentrated Animal Feeding Operation and discharges to waters of the State.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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

Deborah J. Williams
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 1927
Springfield, Illinois 62794-9276
217-782-5544

y) Part (Heading and Code Citation):

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

1) Rulemaking: Docket Number R12-4

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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 R12-4 to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2011 through June 30, 2011. 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-August 2011. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R12-4, 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 R12-4, if the earliest federal amendments in the applicable period occurred on January 1, 2011, the due date for Board adoption would be January 1, 2012.

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].

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C) Scheduled meeting/hearing dates:

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

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2012, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2011. 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 R12-4, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R12-4, as follows:

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

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.

z) Part (Headings and Code Citations):

Laboratory Accreditation Rules (35 Ill. Adm. Code 611)

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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].

C) Scheduled meeting/hearing dates:

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

D) Date Agency Anticipates First Notice:

An Agency submittal of the rulemaking proposal is anticipated by Fall or Winter of 2011. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

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

These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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

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Joanne M. Olson
Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-5544

aa) Parts (Headings and Code Citations):

Maximum Setback Zones (35 Ill. Adm. Code 618)

1) Rulemaking: Docket Number R11-25

A) Description:

On April 21, 2011, the Board received from the Illinois Environmental Protection Agency a rulemaking proposal to establish a maximum setback zone for six community water supply (CWS) wells owned by Fayette Water Company (FWC) in Fayette County.

B) Statutory authority:

Implementing and authorized by Sections 14.3(d), 27, and 28 of the Environmental Protection Act [415 ILCS 5/14.3(d), 27, 28].

C) Scheduled meeting/hearing dates:

The Board has scheduled a hearing on July 27, 2011, at the Fayette County Courthouse in Vandalia.

D) Date agency anticipates First Notice:

The Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* in the Fall or Winter of 2011.

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

This rulemaking may affect any small business, small municipality, or not-for-profit corporation to the extent the affected entity operates within the radius of the proposed maximum setback zone.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R11-25, as follows:

John T. Therriault
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R11-25, as follows:

Timothy Fox
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6085
foxt@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:

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

Joanne M. Olson
Illinois Environmental Protection Agency
1021 N. Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62756
217-782-5544

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bb) Part (Heading and Code Citation):

Groundwater Quality (35 Ill. Adm. Code 620)

1) Rulemaking: Docket Number 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 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

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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.

On February 17, 2011, the Agency filed a motion to amend its proposal prior to the Board going forward with any first-notice amendments. By hearing officer order of May 2, 2011, the Agency’s motion was granted, removing the chemical Di-n-octyl phthalate from the Agency’s proposed groundwater standards.

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 held two hearings in this rulemaking as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]. The first hearing took place in Chicago on June 18, 2008, and the second hearing took 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 Fall or Winter of 2011.

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

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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:

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

Address questions concerning this regulatory agenda to:

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

G) Related rulemaking and other pertinent information:

A related rulemaking is pending in Board docket R11-9, captioned Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.

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

Richard Cobb
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276

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Springfield, IL 62794-9276
217-785-4787

cc) Parts (Headings and Code Citations):

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

1) Rulemaking: Docket number R12-7

A) Description:

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R12-7 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any

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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 by about mid-August 2011. The board will then propose corresponding amendments to the Illinois federal RCRA Subtitle C derived hazardous waste regulations using the identical-in-substance procedure, or dismiss docket R12-7 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. If the USEPA adopted an amendment on January 1, 2011, the due date for the Board adoption of amendments in docket 12-7 is January 1, 2012.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

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

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, 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 is assumed to be January 1, 2012, the Board will propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early September, 2011. This would

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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. It would also allow 30 days from the date of a Board vote to adopt amendments for USEPA to review the amendments before they are filed with the Office of the Secretary of State. Alternatively, if no amendment to the Illinois hazardous waste regulations is needed, the Board will promptly dismiss this reserved docket.

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

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that 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 R12-7, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R12-7, as follows:

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

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G) Related rulemakings and other pertinent information:

The pending consolidated RCRA Subtitle C update dockets R11-2 and R11-16 will affect the text of Parts 702, 720 through 726 and 728. The reserved UIC update docket for the period January 1, 2011 through June 30, 20 (R12-5), and other, as yet unknown, Board proceedings may affect the text of 35 Ill. Adm. Code 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, or 739.

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.

dd) Parts (Headings and Code Citations):

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

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1) Rulemaking: Docket Number R11-16

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 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 R11-16 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 January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any amendments to the federal UIC rules that occurred during this update period.

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-August 2011. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R11-16, 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 R11-16, if the earliest federal amendments in the applicable period occurred on January 1, 2011, the due date for Board adoption would be January 1, 2012.

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].

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C) Scheduled meeting/hearing dates:

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

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, 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 January 1, 2012, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October, 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

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

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R11-16, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R11-16, as follows:

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

G) Related rulemakings and other pertinent information:

The RCRA Subtitle C docket for the period of January 1, 2010 and the reserved UIC update docket for the period of July 1, 2010 through December 31 2010 (R11-14). No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, 738, and 739.

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.

ee) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

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1) Rulemaking: Presently reserved docket number R12-5

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 R12-5 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R12-5, 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. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2012, the due date for Board adoption of amendments in docket R12-5 would be January 1, 2012.

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].

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C) Scheduled meeting/hearing dates:

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

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2012, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2011. 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 R12-5, as follows:

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

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Address questions concerning this regulatory agenda, noting docket number R12-5, as follows:

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

G) Related rulemakings and other pertinent information:

The pending consolidated RCRA Subtitle C update dockets for the periods January 1, 2010 through June 30, 2010 (R11-2), and July 1, 2010 through December 31 2010 (R11-16) will affect the text of 35 Ill. Adm. Code 720. The reserved RCRA Subtitle C update docket for the periods January 1, 2011 through June 30, 2011 (R12-7) may affect Parts 702, 705, and 720. The reserved UIC update docket for the period July 1, 2010 through December 31, 2010 (R11-16) will affect the text of Parts 704 and 730. No other presently known proceeding would affect Parts 704, 730, or 738.

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.

ff) Part (Heading and Code Citation):

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

1) Rulemaking: Docket number R12-1

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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 R12-1 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any amendments to the federal UST regulations that occurred during this update period.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R12-1, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2011, the due date for Board adoption of amendments in docket R12-1 would be January 1, 2012.

B) Statutory authority:

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

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C) Scheduled meeting/hearing dates:

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

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2012, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2011. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board will promptly dismiss this reserved docket.

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

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-1, as follows:

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

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Address questions concerning this regulatory agenda, noting docket number R12-1, as follows:

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

G) Related rulemakings and other pertinent information:

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

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

gg) Part (Headings and Code Citations):

Underground Storage Tanks (35 Ill. Adm. Code 731);
Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, through June 23, 2002) (35 Ill. Adm. Code 732);
Petroleum Underground Storage Tanks (Releases Reported On or After June 23, 2002) (35 Ill. Adm. Code 734)

1) Rulemaking: Docket number R11-22

A) Description:

The Illinois Environmental Protection Agency filed a proposal on February 18, 2011 in response to changes made to the Leaking

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Underground Storage Tank Program [415 ILCS 5/57 et. seq.] by Public Act 96-908.

B) Statutory Authority:

Sections 27 and 57.14A of the Environmental Protection Act [415 ILCS 5/27 and 5/57.14A].

C) Scheduled meeting/hearing dates:

Hearings were held on May 10 and June 16, 2011 as required in Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 5/28]

D) Date agency anticipates First Notice:

The Board anticipates publication of the Notice of Proposed Rules in the summer or fall of 2011.

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

This rulemaking may affect small businesses, small municipalities, or not for profit corporations that are regulated under the Board's Leaking Underground Storage Tank rules or that seek payment from the Underground Storage Tank Fund.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

Tim Fox
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6085
foxt@ipcb.state.il.us

Address concerning this regulatory agenda to:

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

G) Related rulemakings and other pertinent information:

For information regarding the development of these rules please contact:

Kyle Rominger
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544
kyle.rominger@illinois.gov

hh) Part (Headings and Code Citation):

Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: Docket Number R11-9

A) Description:

On November 9, 2010, the Illinois Environmental Protection Agency (Agency) filed a proposal with the Board to amend the Board's rules for the Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742). On November 18, 2010, the Board accepted the Agency's proposal for hearing in Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, docket R11-9. With the proposed amendments, the Agency seeks to add the indoor inhalation exposure route to the existing risk-based methodology under TACO. The Agency explains that the amendments are designed to protect building occupants from a contaminated site's

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volatile chemicals that may migrate from the soil and groundwater to the indoor air. This migration is commonly known as “vapor intrusion.”

B) Statutory Authority:

These amendments were proposed pursuant to Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled Meeting/Hearing Dates:

The Board held two hearings in this rulemaking as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]. The first hearing took place in Springfield on March 29, 2011, and the second hearing took place in Chicago on May 24, 2011.

D) Date Agency Anticipates First Notice:

The Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* in the Fall or Winter of 2011.

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 performing environmental remediation under a program subject to the Board’s TACO rules, such as the Site Remediation Program (SRP), the Leaking Underground Storage Tank (LUST) Program, or a Resource Conservation and Recovery Act (RCRA) Part B permit. According to the Agency, the use of TACO has put many sites back into safe, productive use. The Agency contends that the public policy reasons for adding the indoor inhalation exposure route to the TACO rules outweigh extra remediation costs that may be incurred due to the amendments. These reasons include better protecting the health of Illinois residents, expanding liability relief, and facilitating property transactions.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Richard McGill
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
312-814-6983
mcgillr@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

A related rulemaking is pending in Board docket R08-18, captioned Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620.

For information regarding the development of these amendments please contact:

Kimberly A. Geving
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
kimberly.geving@illinois.gov

ii) 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)

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Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Docket Number R12-6

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 R12-6 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 2011 through June 30, 2011. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

The Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards and the Board action required in response to each in coming weeks, by about mid-August 2011. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R12-6, 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, January 1, 2011, the due date for adoption of amendments in docket R12-6 would be January 1, 2012.

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B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

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

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2011, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2012, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2011. 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.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R12-6, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R12-6, as follows:

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

G) Related rulemakings and other pertinent information:

Docket R10-9 entitled “In the Matter of: Financial Assurance Instruments-- Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G” could affect the text of 35 Ill. Adm. Code 807, 810, or 811.

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.

jj) Parts (Headings and Code Citations):

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Solid Waste (35 Ill. Adm. Code 807)

Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: Docket number R10-9

A) Description:

On July 27, 2009, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal before the Board. That proposal was filed pursuant to the Board's general rulemaking authority of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 28].

The Board has assigned docket number R10-9 for consideration of the Agency's proposal.

The Agency proposal requests that the Board make a number of changes in the landfill financial assurance provisions. The Agency's proposal states that the current State requirements date back to 1985 and 1990. The proposal states that the Board added federally derived requirements applicable to municipal solid waste landfills in 1993, amending them in 1997 and 1999. The Agency asserts that the financial assurance provisions have remained substantially unchanged since these times. The Agency wants the Board to update the financial assurance regulations to account for changes that have occurred over the years—principally with regard to comparable provisions in federally derived hazardous waste regulations.

The Agency wants the Board to update certain documents incorporated by reference to the latest versions of these documents that are available. The Agency wants the Board to shorten the minimum required terms of bonds and letters of credit used to provide financial assurance from the current four or five years to one year. The Agency requests that the Board add evergreen renewal language to bonds and letters of credit, in order to shift the burden of maintaining continuous financial assurance to regulated entities. The Agency asserts that the current lack of such

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renewal provisions has imposed the burden of ensuring continuous coverage on the Agency.

Any person interested in reviewing the Agency's proposal or any other documents introduced to docket R10-9 may do so online at the Board's web page: www.ipcb.state.il.us, using the "E-Library" feature indicated on the home page.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

Section 28 of the Act [415 ILCS 5/28] requires that the Board conduct public hearings on the Agency's proposal in two separate areas of the State, after first publishing newspaper notice of the hearings at least 20 days prior to the date of the hearings. The Board held one hearing in Springfield in Spring 2010. A second hearing was held in Chicago in Summer 2010.

D) Date agency anticipates First Notice:

First notice was published in the *Illinois Register* on February 25, 2011. The Board expects final adoption in Summer 2011.

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 owns or operates a landfill in Illinois.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R10-9, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R10-9, as follows:

Daniel Robertson, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6931
robertsd@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the development of these amendments, please contact:

Stephanie Flowers, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
stephanie.flowers@illinois.gov
217-782-5544

kk) 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)

1) Rulemaking: Docket number R10-9 Subdocket A

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A) Description:

On July 27, 2009, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal before the Board, docketed as R10-9. That proposal was filed pursuant to the Board's general rulemaking authority of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 28]. The Agency proposal requests that the Board make a number of changes in the landfill financial assurance provisions. The Agency's proposal states that the current State requirements date back to 1985 and 1990. The proposal states that the Board added federally derived requirements applicable to municipal solid waste landfills in 1993, amending them in 1997 and 1999. The Agency asserts that the financial assurance provisions have remained substantially unchanged since these times. The Agency wants the Board to update the financial assurance regulations to account for changes that have occurred over the years—principally with regard to comparable provisions in federally derived hazardous waste regulations.

The Agency wants the Board to update certain documents incorporated by reference to the latest versions of these documents that are available. The Agency wants the Board to shorten the minimum required terms of bonds and letters of credit used to provide financial assurance from the current four or five years to one year. The Agency requests that the Board add evergreen renewal language to bonds and letters of credit, in order to shift the burden of maintaining continuous financial assurance to regulated entities. The Agency asserts that the current lack of such renewal provisions has imposed the burden of ensuring continuous coverage on the Agency.

In Summer 2011, the Board created this Subdocket to address concerns raised after the proposal had been adopted for second notice.

Any person interested in reviewing the Agency's proposal or any other documents introduced to docket R10-9(a) may do so online at the Board's web page: www.ipcb.state.il.us, using the "E-Library" feature indicated on the home page.

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B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

Section 28 of the Act [415 ILCS 5/28] requires that the Board conduct public hearings on the Agency's proposal in two separate areas of the State, after first publishing newspaper notice of the hearings at least 20 days prior to the date of the hearings. The Board held two hearings in R10-9. One hearing was held in Springfield on May 11, 2010. A second hearing was held in Chicago on July 15, 2010.

D) Date agency anticipates First Notice:

The Board anticipates first notice publication in Summer 2011.

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 owns or operates a landfill in Illinois.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R10-9(a), as follows:

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

Address questions concerning this regulatory agenda, noting docket number R10-9(a), as follows:

Daniel Robertson, Attorney

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Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6931
robertsd@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Docket R10-9 entitled “In the Matter of: Financial Assurance Instruments-- Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G” would affect the text of 35 Ill. Adm. Code 807, 810 or 811.

For information regarding the development of these amendments, please contact:

Stephanie Flowers, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
stephanie.flowers@illinois.gov
217-782-5544

II) Part (Headings and Code Citations):

Management of Used and Waste Tires (35 Ill. Adm. Code 848)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board’s regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, changes necessary to make the Board’s rules consistent with legislative amendments to Title XIV of the

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Environmental Protection Act [415 ILCS 5/53 et seq.] resulting from Public Act 92-0024.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

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

D) Date Agency anticipates First Notice:

The Agency may submit a proposal to the Board as soon as the Fall or Winter of 2011, 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:

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

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board

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1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217-524-8509
webbc@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544
stephanie.flowers@il.gov

mm) Part (Headings and Code Citations):

Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations resulting from Public Act 96-1416.

B) Statutory authority:

Sections 3.160, 22.51 and 22.51a of the Environmental Protection Act [415 ILCS 5/3.160, 22.51 and 22.51a].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is

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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 Summer of 2011, 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 operates a clean construction or demolition debris fill operation or an uncontaminated soil fill operation as well as any small business, small municipality or not-for-profit corporation that disposes of clean construction or demolition debris or uncontaminated soil at a permitted or registered fill operation.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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

G) Related rulemakings and other pertinent information:

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For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
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217-782-5544
stephanie.flowers@illinois.gov