

ILLINOIS REGISTER

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POLLUTION CONTROL BOARD

JANUARY 2012 REGULATORY AGENDA

- a) Parts (Headings and Code Citations): Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)
- 1) Rulemaking: Docket number R12-11
- A) Description: The Board has proposed new procedural rules to be codified at 35 Ill. Adm. Code 106. Subpart I. These rules apply to Board authorizations made under P. A. 97-220, signed and effective July 28, 2011. Among other things, P.A. 97-220 amends Section 21(q) of the Environmental Protection Act (Act), 415 ILCS 5/21(q) (2010). The amendments to Section 21(q) now specify that the Board (rather than the Illinois Environmental Protection Agency, as previously provided) may authorize certain exceptions to the provisions of that section.
- One type of Board authorization available under Section 21(q)(2) would allow any person to apply landscape waste or composted landscape waste at a rate greater than “agronomic rates” of not more than 20 tons per acre per year. The other type of Board authorization is under Section 21(q)(3), and is limited to farm owners or operators of a composting facility on which the landscape waste composting material is utilized who wish to operate the compost facility on more than 2% of the property’s total acreage. Without such Board authorizations, these activities are prohibited acts under Section 21(q), and violators are subject to enforcement.
- B) Statutory authority: Implementing Sections 21(q)(3)(A) and 26 of the Environmental Protection Act (the Act) [415 ILCS 21(q)(3)(A) and 26].
- C) Scheduled meeting/hearing dates:  
The Board does not intend to hold a hearing on these proposed rules unless requested to do so. The Board is not required to hold a public hearing to amend its procedural rules pursuant to Section 26 and 27 of the Act [415 ILCS 5/26 and 27].
- D) Date agency anticipates First Notice:  
First Notice was published in the *Illinois Register* on November 14, 2011.
- 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 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:

Kathleen Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601  
(312)814-6929  
[crowlek@ipcb.state.il.us](mailto: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:

Kathleen Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601  
(312)814-6929  
[crowlek@ipcb.state.il.us](mailto:crowlek@ipcb.state.il.us)

b) 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)

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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 within the next six months. 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 within the next six months. 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 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  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
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

c) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

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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 within the next six months. 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 within the next six months. 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 would fall under the classification of a gasoline dispensing facility and other area source NESHAPs.
  - F) Agency contact person for information:

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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  
Pollution Control Board  
1021 North Grand Ave. East  
P.O. Box 19274  
Springfield, Illinois 62794  
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

d) Parts (Headings and Code Citations):

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

- 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

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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 within the next six months. 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 within the next six months. 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.
- 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:

Charles Matoesian  
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Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
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- e) Parts (Heading and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

- 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 would repeal the requirement to install a vapor collection and control system on motor fuel dispensers at gasoline dispensing operations subject to 35 IAC 218.586. This proposal is based on an expected general waiver of the Clean Air Act (CAA) Section 182(b)(3) Stage II requirement and an onboard refueling vapor recovery (ORVR) widespread use determination under CAA Section 202(a)(6). United States Environmental Protection Agency (USEPA) has proposed an effective date of June 30, 2013 for the waiver and determination. USEPA is expected to finalize its rulemaking around March 2012.

- B) Statutory Authority:

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

- C) Scheduled meeting/hearing dates:  
The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 within the next six months. 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) Affect on small businesses, small municipalities or not for profit corporations:  
This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the requirements of 35 IAC 218.586.
- F) Agency contact person for information:

Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information:  
For information regarding the Agency's development of this proposal, please contact:

Kent Mohr  
Division of Legal Counsel  
Illinois Environmental Protection Agency

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JANUARY 2012 REGULATORY AGENDA

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(217) 782-5544  
[kent.mohr@illinois.gov](mailto:kent.mohr@illinois.gov)

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 in the process of developing a rulemaking to add relevant applicability provisions to explicitly address PM<sub>2.5</sub> 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 within the next six months. 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 within the next six months. 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

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Part 203.

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

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

Address questions concerning this regulatory agenda:

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

- g) 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 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 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 within the next six months. 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 within the next six months. 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

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

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P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto: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

- h) Part (Heading and Code Citations): Emissions Reduction Market System (35 Ill. Adm. Code 205)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would sunset the provisions of the Emissions Reduction Market System (ERMS). The ERMS is a market-based cap and trade program designed to reduce emissions of volatile organic material (VOM) in the Chicago area. The program allows trading among participating sources through the use of allotment trading units (ATUs) in order to meet a reduced cap on their overall VOM emissions. In studying the available data, the Agency finds that the ERMS program is operating successfully. The participating sources are performing significantly below the baseline and allotment levels. The ERMS has achieved its goals and is no longer needed for

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VOM emission reductions in the Chicago area. However, participating sources are still subject to applicable State and Federal air pollution regulations.

- B) Statutory Authority: Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 within the next six months. 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) Affect on small businesses, small municipalities or not for profit corporations: This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the ERMS.
- F) Agency contact person for information:

Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information:

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

Gina Roccaforte

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POLLUTION CONTROL BOARD

JANUARY 2012 REGULATORY AGENDA

Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
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Springfield, Illinois 62794-9276  
(217) 782-5544  
[gina.roccaforte@illinois.gov](mailto:gina.roccaforte@illinois.gov)

i) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R12-16

A) Description:

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal “Recommended Policy on the Control of Volatile Organic Compounds” (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved this docket number to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 31, 2011 through December 31, 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.

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

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the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of the federal primary drinking water standards. The Board will then either propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- B) Statutory authority:  
Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates:  
None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice:  
The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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 R12-16 as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board

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POLLUTION CONTROL BOARD

JANUARY 2012 REGULATORY AGENDA

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

Address questions concerning this regulatory agenda, noting docket number R12-16 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:

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.

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

B) Statutory authority:

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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 within the next six months. 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 within the next six months. 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  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312)814-3629

Address questions concerning this regulatory agenda:

Carol Webb  
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1021 North Grand Avenue East  
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POLLUTION CONTROL BOARD

JANUARY 2012 REGULATORY AGENDA

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- 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

- k) Parts (Heading and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Sulfur Limitation (35 Ill. Adm. Code 214)

- 1) Rulemaking: No docket presently reserved.
- A) Description:  
The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would amend our current sulfur dioxide (SO<sub>2</sub>) emission limitations as needed to address the 2010 SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS).
- B) Statutory Authority:  
Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].
- C) Scheduled meeting/hearing dates:  
The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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:

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POLLUTION CONTROL BOARD

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An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. 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) Affect on small businesses, small municipalities or not for profit corporations:

This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the requirements of SO<sub>2</sub> NAAQS.

- F) Agency contact person for information:

Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information:

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

Dana Vetterhoffer  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[dana.vetterhoffer@illinois.gov](mailto:dana.vetterhoffer@illinois.gov)

- 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)

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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 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 within the next six months. 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 within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

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

Gina Roccaforte  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276

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Springfield, Illinois 62794-9276  
(217)782-5544

m) Parts (Headings and Code Citations): Standards and Limitations for Organic Material Emissions for Area Sources (35 Ill. Adm. Code 223)

1) Rulemaking: Docket number R12-8

A) Description:

On July 13, 2011, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend Part 223 of the Board's air pollution regulations to reduce volatile organic material (VOM) emissions from various consumer products and aerosol coatings. Specifically, the amendments include limits in VOM by weight for adhesive removers, contact adhesives, non-aerosol antistatic products, electrical cleaners, engine degreasers, fabric refreshers, footwear or leather care products, graffiti removers, hair styling products, shaving gels, and wood cleaners.

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:

Hearings were held in Springfield on October 6, 2011, and in Chicago on November 17, 2011.

D) Date agency anticipates First Notice:

The Board may proceed to first notice within the next six months.

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:

Timothy Fox  
Pollution Control Board

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POLLUTION CONTROL BOARD

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100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312)814-6085  
foxt@ipcb.state.il.us

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  
[webbc@ipcb.state.il.us](mailto: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): Mobile Sources (35 Ill. Adm. Code 240)

1) Rulemaking: Docket number R12-12

A) Description:

On October 3, 2011, the Illinois Environmental Protection Agency filed a rulemaking proposal to sunset the steady-state idle and evaporative system integrity test standards used in the Illinois enhanced vehicle inspection and maintenance program for the Chicago and Metro-East St. Louis nonattainment areas. The proposed amendments also add visual inspection test standards that are effective beginning February 1, 2012,

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and make other minor changes consistent with the addition of the new visual inspection test standards.

- B) Statutory authority:  
Implementing and authorized by Sections 10, 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 & 28], Sections 102.200 and 102.202 of Title 35 of the Illinois Administrative Code [35 Ill. Adm. Code 102.200, 102.202 (2010) and Section 13C-20(a) of the Vehicle Emission Inspection Law of 2005 [625 ILCS 5/13C-20(a) (2010)].
- C) Scheduled meeting/hearing dates:  
Hearings were held in Chicago on November 17, 2011, and in Edwardsville on November 30, 2011.
- D) Date agency anticipates First Notice:  
First notice was published in the *Illinois Register* on October 28, 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 corporation to the extent that it owns a vehicle subject to emissions inspection.
- F) Agency contact person for information:  
Address written comments concerning the substance of the rulemaking, noting docket number R12-12, 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 R12-12, as follows:

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

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(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:

Kent Mohr, Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217)782-5544

o) Part (Heading and Code Citations): Air Quality Standards (35 Ill. Adm. Code 243)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would amend Part 243 to reflect new National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA). Specifically, the Agency proposes to update the sulfur dioxide (SO<sub>2</sub>) standard and the nitrogen dioxide (NO<sub>2</sub>) standard. The Agency will also include a general clean-up of Part 243.

B) Statutory Authority:  
Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].

C) Scheduled meeting/hearing dates:  
The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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:

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An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. 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) Affect on small businesses, small municipalities or not for profit corporations:  
Any small business, small municipality, or not-for-profit corporation that emits the contaminants regulated by Part 243 could be affected by the proposed amendments.

- F) Agency contact person for information:

Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information:  
For information regarding the Agency's development of this proposal, please contact:

Charles Matoesian  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[charles.matoesian@illinois.gov](mailto:charles.matoesian@illinois.gov)

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

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- 1) Rulemaking: Docket number 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].
  - 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* 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

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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

- 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) Parts (Heading and Code Citations):

Water Quality Standards (35 Ill. Adm. Code 302)  
Effluent Standards (35 Ill. Adm. Code 304)

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- 1) Rulemaking: No docket presently reserved.
  - A) Description: The Agency is working toward establishing a new narrative standard for “cultural eutrophication” to protect aquatic life from the adverse impacts of excess algae and aquatic plant growth. Measurable parameters such as dissolved oxygen will be used to identify cultural eutrophication. The proposed standard would prohibit cultural eutrophication and the presence of such would trigger a technology-based phosphorus limit on dischargers that would significantly contribute to cultural eutrophication. The technology based phosphorus limits applicable to such dischargers would be proposed by updating 35 Ill. Adm. Code 304.123. Other technology-based phosphorus effluent standards covering certain dischargers of phosphorus independent of a finding of cultural eutrophication will also be proposed for 35 Ill. Adm. Code 304.123.
  - B) Statutory Authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]
  - C) Scheduled meeting/hearing dates: There have been several meetings with stakeholders over the last several years and it is anticipated more meetings will be scheduled before proposing amendments to the Board. No 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 to the Board would commence this proceeding, and the Agency anticipates filing a proposal in the spring or summer of 2012. After filing the proposal, the Board will cause a Notice of Proposed rule to appear in the *Illinois Register*.
  - E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses will be affected in the case they are covered by an NPDES permit and determined to be a significant source.
  - F) Agency contact person for information:

Address questions concerning this regulatory agenda to:

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POLLUTION CONTROL BOARD

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Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

G) Related rulemakings and other pertinent information:

For information regarding the development of these rules please contact:

Stefanie Diers  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[stefanie.diers@illinois.gov](mailto:stefanie.diers@illinois.gov)

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 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

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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 39 days of hearing relevant to this subdocket.
- D) Date agency anticipates First Notice:  
First notice was published in the *Illinois Register* on July 29, 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

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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

- 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

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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:  
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, 2010 and 2011 in Chicago, Joliet, and Des Plaines. The Board has held 54 days of hearings.
- D) Date agency anticipates First Notice:  
The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.
- 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.

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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:

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

- 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

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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 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, 2010, and 2011 in Chicago, Joliet, and Des Plaines. The Board has held 54 days of hearing.
- D) Date agency anticipates First Notice:  
The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.

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- 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  
(217)782-5544

- u) Parts (Headings and Code Citations): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

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1) Rulemaking: Docket number R07-21

A) Description:

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

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- C) Scheduled meeting/hearing dates:  
The Board will schedule hearings when Joliet is ready to proceed to hearing.
- 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* within the next six months.
- 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 R12-15

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 this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2011 through December 31, 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.

Within the next month, the Board will verify the existence of any federal actions that may affect the text of the federal wastewater pretreatment regulations and require Board action. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure.

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.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

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- D) Date agency anticipates First Notice:  
The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendments are needed, the Board will 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 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 R12-15, 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 R12-15, 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

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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 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 within the next six months. 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.

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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  
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

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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

- 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 within the next six months. 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 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.

- 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  
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 this docket 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 July 1, 2011.

On June 24, 2011, after the Board had already filed its regulatory agenda for July 2011, USEPA approved alternative testing methods for use in demonstrating compliance with the drinking water standards. USEPA added 11 alternative methods for analyzing radionuclide contaminants. The Board must amend corresponding segments of 35 Ill. Adm. Code 611 to incorporate USEPA changes. The Board must also include corrections to the last methods update that were brought to the Board's attention by USEPA and IEPA.

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. The statutory deadline for this rulemaking is June 24, 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].
- 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 expects to publish notice in the *Illinois Register* by April 6, 2012.

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- E) Effect on small business, small municipalities, or not-for-profit corporations:  
This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

- F) Agency contact person for information:  
Address written comments concerning the substance of the rulemaking, noting docket number R12-4 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 R12-4, 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

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in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

z) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R12-17

A) Description:

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

The Board has reserved this docket number to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2011 through December 31, 2011. At this time, the Board is not aware of any federal amendments to the SDWA primary drinking water regulations that occurred during this update period.

Within the next month, the Board will verify the existence of any federal actions that may affect the text of the federal primary drinking water standards. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure. If no amendments are needed, the Board will dismiss this docket.

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.

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:  
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 expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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 R12-17, 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 R12-17, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601  
(312)814-6924

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mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:  
Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

aa) Part (Headings and Code Citations): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: No docket presently reserved.

- A) Description:  
The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. The proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the Agency's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.
- B) Statutory Authority:  
Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

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- C) Scheduled meeting/hearing dates:  
No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice:  
An Agency submittal of the rulemaking proposal is anticipated within the next six months. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Affect on small business, small municipalities or not-for-profit corporations:  
These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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:

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

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

bb) 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 held hearings on July 27, 2011 in Vandalia, and September 22, 2011 in Chicago.

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- D) Date agency anticipates First Notice:  
The Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* within the next six months.
- 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

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(217)782-5544

cc) Part (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code 620)

1) Rulemaking: Docket number R08-18

A) Description:

The proposed amendments update the groundwater quality rules based upon new scientific data, federal amendments, and technical references. The changes proposed for first notice add groundwater quality standards for those chemical constituents detected in Illinois groundwater that have toxicity values established by the United States Environmental Protection Agency (USEPA) or that have groundwater remediation objectives under the Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742). In all, 39 chemical constituents are added to Part 620. Additionally, the Class I groundwater quality standard for arsenic is revised from 0.05 milligrams per liter (mg/L) to 0.10 mg/L in order to reflect the new federal Maximum Contaminant Level (MCL) for arsenic in drinking water. Also included are amendments to various definitions, provisions for preventive response levels, compliance determinations, monitoring and analytical requirements, and health advisories, as well as Part 620 Appendices A through D. For a more detailed discussion of these amendments, please refer to the Board's October 20, 2011 opinion and order in docket R08-18 Proposed Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620).

B) Statutory authority:

Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act [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:

First notice was published in the *Illinois Register* on November 14, 2011.

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

It is not anticipated that the proposed amendments would have a significant impact on any small business, small municipality, or not-for-profit corporation. Facilities that may be impacted would include those that cause, threaten, or allow the contamination of groundwater. However, the proposed amendments do not establish new corrective action or monitoring programs, and new chemical constituent standards would be phased into existing programs, as appropriate, on a site-by-site basis over time. Any economic impact resulting from applying the new standards therefore should be incremental. Considering the groundwater resource and its end users, economic benefits may result from adopting these new 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.

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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  
Springfield, IL 62794-9276  
(217)785-4787

dd) Parts (Headings and Code Citations):

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

1) Rulemaking: Docket number R11-14

A) Description:

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

On October 6, 2010, the Board issued a proposal for public comment that would incorporate the new USEPA carbon sequestration well requirements into the UIC regulations. This proposal would also make a series of non-substantive corrections and stylistic revisions. The opinion and order also extended the deadline for completion of rulemaking activities from December 10, 2011 until January 26, 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:  
A Notice of Proposed Amendments was published in the *Illinois Register* on October 28, 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 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 R11-14, 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 R11-14, 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 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

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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)

1) Rulemaking: Docket number R12-18

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 this docket to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2011 through December 31, 2011. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

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. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

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- B) Statutory authority:  
Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates:  
None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice:  
The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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 R12-18, 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 R12-18, as follows:

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

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(312)814-6924  
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information:  
The reserved RCRA Subtitle C update docket for the period July 1, 2011 through December 31, 2011 (R12-20) and other, as yet unknown, unrelated Board proceedings may affect the text of 35 Ill. Adm. Code 702, 705, and 720. No other presently known proceeding would affect 35 Ill. Adm. Code 704, 730, 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) 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 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 this docket 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.

On June 13, 2011, after the Board had already filed its July 2011 regulatory agenda, USEPA adopted a direct final rule that revises the land disposal restrictions (LDRs) applicable to carbamate wastes effective August 12, 2011 if not expressly withdrawn before that date. The amendments establish an alternative standard that allows the use of best demonstrated available technologies for treating carbamate wastes instead of applying the existing numerical concentration limits for contaminants. The amendments further removed carbamate regulated constituents from the table of Universal Treatment Standards (UTS). The Board must incorporate the alternative LDR for carbamate wastes into the Illinois rules and remove the carbamate-regulated constituents from the UTS.

On June 22, 2011, USEPA adopted a final rule that revises the hazardous waste manifest printing requirements effective August 22, 2011 if not expressly withdrawn before that date. The amendments allow the use of red or other contrasting color ink for copy distribution notations on the manifest form. The Board make the corresponding change to the Illinois regulations.

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. The statutory deadline is June 13, 2012.

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- 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 expects publish notice in the *Illinois Register* by March 10, 2012.
- 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 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, 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.

gg) 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 R12-20

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- 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 this docket to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2011 through December 31, 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.

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. Within the next month, the Board will verify the existence of any federal actions that may affect the text of the federal rules. The Board will then either propose corresponding amendments to the Illinois rules, or dismiss this docket if no action is needed.

- 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 expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this docket.

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- E) Effect on small business, small municipalities, or not-for-profit corporations:  
This rulemaking may affect any small business, small municipality, or not-for-profit corporation 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 R12-20, 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 R12-20, 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 reserved UIC update docket for the period July 1, 2011 through December 31, 2011 (R12-18), and other, as yet unknown, unrelated Board proceedings may affect the text of 35 Ill. Adm. Code 720. No other presently known proceeding would affect 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

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in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

hh) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R12-14

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 this docket to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2011 through December 31, 2011. At this time, the Board is not aware of any amendments to the federal UST regulations that occurred during this update period.

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. Within the next month, the Board will verify the existence of any federal amendments that may require Board action. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss this docket if no action is needed.

B) Statutory authority:

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

C) Scheduled meeting/hearing dates:

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

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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 expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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 R12-14, 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 R12-14, 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

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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.

ii) 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 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: A Notice of Proposed Rules was published in the *Illinois Register* on October 14, 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.

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

Address concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto: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](mailto:kyle.rominger@illinois.gov)

jj) Part (Heading and Code Citations): Petroleum Underground Storage Tanks (Releases Reported On or After June 24, 2002) (35 Ill. Adm. Code 734)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Illinois EPA) is planning to propose conforming amendments to the Board's regulations

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at Part 734 resulting from amendments to the Board's regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO).

- B) Statutory Authority: Sections 5, 22, 27, and 57.14A of the Environmental Protection Act (Act) [415 ILCS 5/5, 22, 27, 57.14A].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].
- D) Date Agency anticipates First Notice: The Illinois EPA may submit a proposal to the Board as soon as late Spring or Summer of 2012, 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 small businesses, small municipalities, or not-for-profit corporations that are addressing a release of petroleum under the Board's Leaking Underground Storage Tank rules or that seek payment from the Underground Storage Tank Fund.
- F) Agency Contract person for information:

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

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

Agency contact person for information: Address questions concerning this regulatory agenda to:

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

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POLLUTION CONTROL BOARD

JANUARY 2012 REGULATORY AGENDA

[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

For information regarding the development of these rules please contact:

Mark Wight  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[Mark.Wight@illinois.gov](mailto:Mark.Wight@illinois.gov)

G) Related rulemakings and other pertinent information:

Docket number R11-9: In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.

kk) Part (Headings and Code citation): Site Remediation Program; (35 Ill. Adm. Code 740)

1) Rulemaking: No docket presently reserved.

A) Description:

The Site Remediation Program (“SRP”) is one of the Illinois Environmental Protection Agency’s (“Illinois EPA”) primary remediation programs for the cleanup of contaminants released to soil or groundwater. Remediation sites from throughout Illinois participate in the SRP. Periodically, it is necessary to amend program rules to account for new scientific data, updated technical references, and necessary administrative changes to the implementation of the rules. To that end, the proposed amendments are intended to ensure that the rules stay current.

B) Statutory Authority:

Sections 4(i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]

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 Illinois EPA anticipates submitting its proposal in the Spring or Summer of 2012 after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporations:  
Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation pursuant to the Site Remediation Program. In most cases, participation in the SRP is voluntary, the exception being participation under Board or court orders arising out of enforcement actions.
- F) Agency contract person for information:  
Address written comments concerning the substance of the rulemaking as follows:

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

Address questions concerning this regulatory agenda as follows:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

- G) Related rulemakings and other pertinent information:  
For information regarding the development of these amendments please contact:

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JANUARY 2012 REGULATORY AGENDA

Kim Geving  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
[Kim.Geving@illinois.gov](mailto:Kim.Geving@illinois.gov)

- II) 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 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.

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- D) Date Agency Anticipates First Notice:  
The Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* within the next six months.
- 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:

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 Street, Suite 11-500  
Chicago, Illinois 60601  
(312)814-6983  
mcgillr@ipcb.state.il.us

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POLLUTION CONTROL BOARD

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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

mm) Parts (Headings and Code Citations):

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

1) Rulemaking: Docket number R12-19

A) Description:

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

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The Board has reserved this docket to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2011 through December 31, 2011. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

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. Within the next month, the Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- 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 expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this 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 R12-19 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 R12-19, 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 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.

nn) 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

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

- B) Statutory authority:  
Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].
- C) Scheduled meeting/hearing dates:  
No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice:  
The Agency may submit a proposal to the Board within the next six months, 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  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

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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](mailto:stephanie.flowers@il.gov)

oo) Part (Headings and Code Citations): Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100)

1) Rulemaking: Docket number R12-9

A) Description:

On July 29, 2011, the Illinois Environmental Protection Agency (Agency) filed a proposal to allow for use of uncontaminated clean construction or demolition debris (CCDD) and soil to be used as fill material. The rule as proposed allows the Board to consider TACO background levels for all carcinogens, and allow professional geologists, as well as professional engineers to provide certifications under the interim soil certification requirements. The Board must adopt this rule within one year of receiving the proposal.

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:

Hearings were held in Springfield on September 26, 2011, and in Chicago on October 25, 2011 and October 26, 2011.

D) Date Agency anticipates First Notice:

First notice may be published in the *Illinois Register* in January or February, 2012.

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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:

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

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@illinois.gov](mailto:stephanie.flowers@illinois.gov)

pp) Part (Headings and Code Citation): Standards and Requirements for Potable Water

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Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination (35 Ill. Adm. Code 1600).

- 1) Rulemaking: No docket presently reserved.
  - A) Description: Subpart C of Part 1600 contains “Standards and Requirements for Community Relations Activities.” The purpose of Subpart C is to establish minimum standards and requirements for the development and implementation of community relations activities in accordance with Section 25d-7 of the Environmental Protection Act (Act) [415 ILCS 5/25d-7]. The Illinois Environmental Protection Agency (Illinois EPA) is planning to propose conforming amendments to the Board’s regulations at Part 1600 resulting from amendments to the Board’s regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO) for threats from indoor inhalation of vapors from certain contaminants.
  - B) Statutory Authority: Section 25d-7 of the Environmental Protection Act [415 ILCS 5/25d-7]
  - C) Scheduled meeting/hearing dates:  
No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
  - D) Date Agency anticipates First Notice:  
The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
  - E) Effect on small businesses, small municipalities, or not-for-profit corporations:  
Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they are addressing a release of contaminants pursuant to Pollution Control Board rules. For those who fall within the criteria for community relations activities and whose release of contaminants poses a threat to human health and safety from the indoor inhalation of vapors, the development and implementation of a community relations plan may be required.

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F) Agency contact person for information:

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

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

Address questions concerning this regulatory agenda as follows:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

For information regarding the development of these amendments please contact:

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

G) Related rulemaking and other pertinent information:

Docket number R11-9: In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.