

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 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.

A second First Notice was published adding petition notice requirements, and proof of petition notice requirements.

- 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. A second First Notice was published in the *Illinois Register* on February 24, 2012.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that is currently regulated by 35 Ill. Adm. Code 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

- 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

- 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)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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

- 1) Rulemaking: Docket number R12-24
 - A) Description: On April 2, 2012, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal to amend the Board's regulations for organic material emission standards and limitations. More specifically, the Agency proposed to repeal the Gasoline Volatility Standards, codified at 35 Ill. Adm. Code 215.585 and 219.585, as well as those specific for the Metro East and Chicago areas. These standards have been essentially superseded by the Federal gasoline volatility standards and the federal Reformulated Gasoline (RFG) program. The proposal will also impact Subpart HH of Parts 218 and 219 applicable to motor vehicle refinishing operations. Proposed amendments would allow alternative use of equivalent High Volume Low Pressure (HVLP) spray gun technology for which USEPA has given written approval, and would repeal an Illinois registration program that overlaps with a federal one.
 - 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: No meetings or hearings are scheduled at this time. 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: A Notice of Proposed Amendments appeared in the *Illinois Register* on May 11, 2012.
 - E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that is currently regulated by 35 Ill. Adm. Code 218.585, 219.585, or Subpart HH of Parts 218 and 219.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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 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 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 Ave. East
Springfield, Illinois 62794-9276
217-782-5544
crowlek@ipcb.state.il.us

- 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)
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)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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: 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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 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].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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
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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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 relate to the requirement to install a vapor collection and control system (Stage II system) on motor vehicle fuel dispensers at gasoline dispensing operations subject to 35 Ill. Adm. Code 218.586. This proposal is based on the United States Environmental Protection Agency's (USEPA) waiver of the Clean Air Act (CAA) Section 182(b)(3) Stage II requirement and onboard refueling vapor recovery (ORVR) widespread use determination under CAA Section 202(a)(6) (77 Fed. Reg. 28772).
- 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: 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 anticipates filing 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*.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
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_{2.5} and related precursor compounds.

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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 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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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: 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*.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various components of particulate matter.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

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

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:

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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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 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 REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

Illinois 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:

Gina Roccaforte
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
gina.roccaforte@illinois.gov

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

1) Rulemaking: Docket number R13-1

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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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 January 1, 2012 through June 30, 2012. 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 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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 R13-5 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 R13-5 as follows:

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

- G) Related rulemakings and other pertinent information: 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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: 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

- 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 (SO₂) emission limitations as needed to address the 2010 SO₂ 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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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 SO₂ 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

- 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

1) Parts (Headings and Code Citations):

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

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

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

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will modify the definitions of “miscellaneous metal parts and products 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*.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

m) 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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 (SO₂) standard and the nitrogen dioxide (NO₂) 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: 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

- G) Related rulemakings and other pertinent information:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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

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].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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: A Notice of Proposed Amendments was published in the *Illinois Register* on April 13, 2012.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rule may affect any small business, small municipality or not-for-profit corporation that discharge boron, manganese, fluoride, or zinc into waters of the State designated as General Use waters or Public and Food Processing Water Supply waters.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R11-18 to:

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

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

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

- 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

o) Parts (Heading and Code Citations):

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

Effluent Standards (35 Ill. Adm. Code 304)

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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:

Carol Webb
Illinois 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 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

- p) 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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

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

- B) Statutory authority: 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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

- q) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

- 1) Rulemaking: Docket number R08-9 Subdocket D

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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.
- 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

r) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)

Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R13-7

- 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 January 1, 2012 through June 30, 2012. At this time, the Board is aware of two federal amendments to the federal wastewater pretreatment regulations that occurred during this update period.

May 16, 2012 (77 Fed. Reg. 29168)

Description of the USEPA action: USEPA Adopted as new 40 C.F.R. 449 effluent limitations guidelines and new source performance standards for the airport deicing category. USEPA did not establish pretreatment standards for this category, since the record did not indicate a need for such standards.

Prospective necessary Board action in response: No Board action will be necessary beyond observing that USEPA adopted new standards on April 13, 2012 that did not include wastewater pretreatment standards for any source.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

May 18, 2012 (77 Fed. Reg. 29758)

Description of the USEPA action: USEPA revised the testing procedures approved for analyses under the Clean Water Act. Included were new and revised USEPA methods and new and revised methods published by voluntary consensus standard bodies, like ASTM Internationals and the Standard Methods Committee. USEPA amended 40 C.F.R. 423, 430, and 435.

Prospective necessary Board action in response: Segments of 35 Ill. Adm. Code 307 correspond with 40 C.F.R. 423 and 430. Board action will be required on those provisions. No Board action will be necessary based on 40 C.F.R. 435, which has no counterpart in the Illinois wastewater pretreatment regulations.

Within the next month, the Board will verify the existence of any other 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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 R13-7, 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 R13-7, 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

- G) Related rulemakings and other pertinent information: No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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.

s) Part (Heading and Code Citation): Testing Fees for Analytical Services (35 Ill. Adm. Code 309)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the permitting requirements for the construction of simple pH adjustment pretreatment systems, cooling towers, oil/water separators and lifetime operating permits for all pretreatment systems and discharges.

B) Statutory authority: Implementing and authorized by Section 13 of the Environmental Protection Act [415 ILCS 5/13]

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 required to obtain any of the above mentioned permits pursuant to 35 Ill. Adm. Code 309.

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

John Therriault, Acting Clerk
Pollution Control Board

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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:

Sara Terranova
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544
Sara.Terranova@illinois.gov

t) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge applied to land.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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.
- 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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

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

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-0810

- u) Parts (Heading and Code Citation): Agriculture Related Water Pollution from Concentrated Animal Feeding Operations (CAFOs) (35 Ill. Adm. Code 501, 502, 504)
 - 1) Rulemaking: Docket number R12-23
 - A) Description: On March 1, 2012, the Illinois Environmental Protection Agency (Agency) filed a proposal with the Board to amend Parts 501 and 502 so that they are consistent with, and as stringent as, the current federal CAFO regulations. Additionally, USEPA has indicated that Illinois needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time.
- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Amendments will be published in the *Illinois Register* within the next six months.
- 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:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601
foxt@ipcb.state.il.us
(312) 814-6085

- G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox
Pollution Control Board
100 W. Randolph St.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

Chicago, Illinois 60601
foxt@ipcb.state.il.us
(312) 814-6085

- v) Parts (Heading and Code Citation): Ownership and Responsible Personnel (35 Ill. Adm. Code 603)
- 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 supply rules found in 35 Ill. Adm. Code 603 to make these rules consistent with the Public Water Supply Operations Act. Previously, this Act exempted certain public water supplies from the requirement that a certified operator supervise all portions of the system. Instead, these exempt public water supplies were required to register the name of the person in responsible charge of day-to-day operation of the supplies that were exempt from the certified operator requirements, repealing the section governing registration for responsible personnel, and grandfathering in uncertified operators at previously exempt facilities. Currently, Part 603 requires registration of the person in responsible charge of the supply for exempt facilities. This Agency anticipates amending Part 603 to ensure consistency with the current requirements of Public Water Supply Operations Act.
- B) Statutory Authority: Implementing and authorized by Sections 17, 27, and 28 of the Environmental Protection Act [415 ILCS 5/17, 27 & 28].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 and 28]
- D) Date agency anticipates First Notice: The 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 Act [415 ILCS 5/27 and 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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

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

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

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
Springfield, Illinois 62794
webbc@ipcb.state.il.us

G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Joanne M. Olson
Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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

1) Rulemaking: Docket number R13-2

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 January 1, 2012 through June 30, 2012. At this time, the Board is aware of two sets of federal amendments to the SDWA primary drinking water regulations that occurred during this update period. The set of amendments and public notice are the following:

May 2, 2012 (77 Fed. Reg. 26072)

Description of the USEPA action: USEPA adopted the third installment of the Unregulated Contaminants Rule (UCMR 3). USEPA implements the UMCRs, including UCMR 3, with or without the assistance of the state, but not requiring any state to incorporate UCMR elements into the state program. Included with the UCMR 3 rule was a series of updates to analytical methods for regulated contaminants (nitrate, nitrite, and orthophosphate), which are not related to the UCMR.

Prospective necessary Board action in response: The Board must incorporate the analytical methods updates for regulated contaminants (nitrate, nitrite, and orthophosphate) that are not related to the UCMR 3 rules.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

May 18, 2012 (77 Fed. Reg. 29758)

Description of the USEPA action: USEPA revised the testing procedures approved for analyses under the Clean Water Act. Included were new and revised USEPA methods and new and revised methods published by voluntary consensus standard bodies, like ASTM Internationals and the Standard Methods Committee. USEPA amended 40 C.F.R. 136.

Prospective necessary Board action in response: The methods of 40 C.F.R. 136 are incorporated by reference in Part 611. Board action will be required on to update the incorporation by reference.

The Board will verify the existence of any other federal actions that may affect the text of the federal primary drinking water standards and determine the Board action required in response to each by mid-August 2012.

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].
- 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 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 to the Illinois definition is needed, the Board will dismiss this reserved docket.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation 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 R13-2, 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 R13-2, as follows:

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

G) Related rulemakings and other pertinent information: 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.

x) Parts (Headings and Code Citations): Maximum Setback Zones (35 Ill. Adm. Code 618)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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.
- D) Date agency anticipates First Notice: First Notice appeared in the *Illinois Register* on March 16, 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 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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.

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

Richard Cobb
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217)785-4787

z) 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 R13-3

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

The Board has reserved this docket to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2012 through June 30, 2012. 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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 R13-3, 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 R13-3, as follows:

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for the period July 1, 2011 through December 31, 2011 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.

aa) 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 R13-5

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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, 2012 through June 30, 2012. At this time, the Board is aware of three federal amendments to the federal RCRA Subtitle C hazardous waste rules that occurred during this update period.

April 13, 2012 (77 Fed. Reg. 22226)

Description of the USEPA action: USEPA denied a petition to review the exclusion from the definition of hazardous waste adopted January 2, 2008 (73 Fed. Reg. 57) for oil-bearing hazardous secondary materials generated by oil refineries and inserted into the refining process or thermal cracking units, with certain exceptions. No amendment to any federal rule occurred by this action.

Prospective necessary Board action in response: The Board adopted this exclusion from the definition of hazardous waste in RCRA Subtitle C Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-3 (Nov. 20, 2008). No Board action will be necessary other than observing that USEPA denied to review the rule on April 13, 2012.

April 13, 2012 (77 Fed. Reg. 22229)

Description of the USEPA action: USEPA adopted a limited number of corrections and clarifications to one provision in each of 40 C.F.R. 261 and 40 C.F.R. 266.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

Prospective necessary Board action in response: The Board must determine whether action is needed to make similar changes in the corresponding Illinois rules at 35 Ill. Adm. Code 721 and 726.

May 18, 2012 (77 Fed. Reg. 29758)

Description of the USEPA action: USEPA revised the testing procedures approved for analyses under the Clean Water Act. Included were new and revised USEPA methods and new and revised methods published by voluntary consensus standard bodies, like ASTM Internationals and the Standard Methods Committee. USEPA amended 40 C.F.R. 136 and 260.

Prospective necessary Board action in response: The Board must amend Part 720 to incorporate the changes to 40 C.F.R. 260. The methods of 40 C.F.R. 136 are incorporated by reference in 35 Ill. Adm. Code 720, requiring further revision of Part 720.

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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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 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 R13-5, 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 R13-5, as follows:

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

- G) Related rulemakings and other pertinent information: 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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

1) Rulemaking: Docket number R13-6

A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved this docket to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2012 through June 30, 2012. 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].

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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 that owns or operations USTs.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-6, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R13-6, as follows:

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

- G) Related rulemakings and other pertinent information:
No other presently known proceeding would impact the text of Part 731.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

- cc) 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 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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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
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

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.

dd) 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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 development of these amendments please contact:

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

- ee) 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 April 19, 2012, the Board adopted an opinion and order (TACO) rules (35 Ill. Adm. Code 742). The rulemaking is captioned Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, docket R11-9. Since 1997, the TACO rules have provided procedures for developing remediation objectives based upon risks posed to human health by environmental conditions at a variety of sites. TACO is used at sites being remediated under any one of several regulatory programs: Leaking Underground Storage Tank (UST) Program; Site Remediation Program (SRP); and Resource Conservation and Recovery Act (RCRA) Part B Permits and Closure Plans.

The first-notice amendments include the addition of a new exposure route under TACO: the indoor inhalation exposure route. To protect building occupants, this exposure route addresses the potential for vapors to

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

migrate into buildings from underlying volatile chemicals in soil or groundwater, a process commonly known as “vapor intrusion” or “VI.” The Board also proposed adding 13 chemicals to the TACO tables based upon the Board’s pending rulemaking on groundwater quality standards, captioned Proposed Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620), docket R08-18. Further, the first-notice amendments to TACO update physical and chemical parameters and revise toxicity values in accordance with the new United States Environmental Protection Agency hierarchy for selecting human health toxicity values.

The R11-9 rulemaking was initiated when the Illinois Environmental Protection Agency (IEPA) filed a proposal with the Board on November 9, 2010, under Section 27 of the Environmental Protection Act [415 ILCS 5/27]. After conducting two public hearings and receiving public comments, the Board adopted, for first notice, the amendments proposed or agreed to by IEPA, with minor clarifying changes. In addition, the Board proposed requiring that IEPA be notified if an indoor inhalation building control technology at a school is rendered inoperable. The Board also proposed that the entire set of amendments would become effective on a date certain 60 days after their final adoption. For further information, please refer to the Board’s first-notice opinion and order of April 19, 2012, which is available through the Clerk’s Office On-Line (COOL) on the Board’s Web site at www.ipcb.state.il.us.

- 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- D) Date Agency Anticipates First Notice: First notice was published in the *Illinois Register* on May 18, 2012.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments could impact any small business, small municipality, or not-for-profit corporation in a regulatory program subject to TACO remediation objectives (*i.e.*, Leaking UST Program; SRP; RCRA Part B Permits and Closure Plans). In addition to the professional skills currently necessary to comply with the existing TACO regulations, compliance with the amendments may involve addressing the indoor inhalation exposure route through the sampling/analysis of soil gas and the design/installation of building control technologies, such as sub-slab depressurization (SSD) systems or vented raised floors. Along with better protecting building occupants from migrating volatile chemicals, the addition of the indoor inhalation exposure route to TACO is expected to facilitate property transactions and provide expanded liability relief to property owners. Also, where a school receives an NFR letter based upon the use of an indoor inhalation building control technology, the site owner/operator must notify IEPA upon the building control technology being rendered inoperable.

The amendments are proposed to become effective on a date certain 60 days after their final adoption by the Board. The delayed effective date would help to accommodate those entities with sites near closure who wish to submit remediation completion documentation to IEPA in order to receive a No Further Remediation (NFR) letter in accordance with the existing TACO regulations. The Board found that the amendments are technically feasible and economically reasonable and will not have an adverse economic impact on the People of Illinois.

- 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

- 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

- ff) Part (Headings and Code Citation):

Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code 855)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to remove the requirements for non-hazardous special waste manifests to be sent to the Agency except in the case of non-hazardous special waste containing polychlorinated biphenyls.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- B) Statutory Authority: These amendments will be proposed pursuant to Sections 21, 22, 22.01, and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, and 27].
- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection 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 Business, Small Municipalities, or Not-for-Profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation generating or receiving non-hazardous special waste in Illinois.
- 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 Ave. East
Springfield, Illinois 62794
(217)524-8509
webbc@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: For information regarding the development of these rules, please contact:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

Stephanie Flowers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544
Stephanie.Flowers@illinois.gov

gg) 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 R13-4

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

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 January 1, 2012 through June 30, 2012. 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-4 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 R13-4, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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.

hh) Part (Heading and Code Citation):

Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)

- 1) Rulemaking: Docket number R12-13
- A) Description: The Illinois Environmental Protection Agency filed a rulemaking proposal with the Board on October 28, 2011. The proposed amendments implement Public Act 97-220, which includes provisions to remove Illinois from the Uniform State Hazardous Materials Transportation Registration and Permit Program.
- B) Statutory authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27] (see P.A. 90-219).
- C) Scheduled meeting/hearing dates: The Board held hearings on January 12, 2012 in Springfield, and on February 15, 2012 in Chicago.
- D) Date Agency anticipates First Notice: First Notice was published in the *Illinois Register* on April 6, 2012.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect nonhazardous waste generators

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

and receiving facilities.

- 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:

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

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

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

- ii) Part (Headings and Code Citations): Management of Used and Waste Tires (35 Ill. Adm. Code 848)

- 1) Rulemaking: No docket presently reserved.

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

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

Stephanie Flowers

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

- jj) 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 March 13, 2012.
- D) Date Agency anticipates First Notice: First notice was published in the *Illinois Register* on February 24, 2012.
- 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.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

- 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

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

[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.
- 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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2012 REGULATORY AGENDA

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

- 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.