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POLLUTION CONTROL BOARD

JANUARY 2017 REGULATORY AGENDA

a) Parts (Heading and Code Citation):

General Rules (35 Ill. Adm. Code 101)  
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)  
Enforcement (35 Ill. Adm. Code 103)  
Regulatory Relief Mechanisms (35 Ill. Adm. Code 104)  
Appeals of Final Decisions of State Agencies (35 Ill. Adm. Code 105)  
Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)  
Petition to Review Pollution Control Facility Siting Decisions (35 Ill. Adm. Code 107)  
Administrative Citations (35 Ill. Adm. Code 108)  
Tax Certifications (35 Ill. Adm. Code 125)

1) Rulemaking: No docket presently reserved.

- A) Description: The proposed amendments are designed to increase the efficiency of Board operations and reduce the cost of conducting Board rulemakings and other contested cases. The Board will achieve these objectives by expanding the use of digital technology to reduce printing, copying and travel.
- B) Statutory Authority: Authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28; 415 ICLS 55/8].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date agency anticipates First Notice: The date of publication in the *Illinois Register* could not be determined at the time this regulatory agenda was filed. Please check with the Board for further information.
- E) Effect on small businesses, small municipalities or not for profit corporations: As proposed, this rule would apply to entities that appear before the Illinois Pollution Control Board.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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

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

Richard McGill  
Pollution Control Board  
100 W. Randolph St.  
Chicago, Illinois 60601

Richard.McGill@illinois.gov  
(312) 814-6983

- b) Part (Heading and Code Citation): Regulatory Relief Mechanisms (35 Ill. Adm. Code 104)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency is in the process of developing a rulemaking proposal to file with the Board regulations that allow for time-limited water quality standards.
- B) Statutory authority: Implementing and authorized Sections 27 and 28 of the Act [415 ILCS 5/27 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) 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 if they are covered by a NPDES

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permit, seeking section 401 certification, or are a non-point source of pollution.

- 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

- 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

- c) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)  
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)  
Standards and Limitations for Organic Material Emissions for Area Sources (35 Ill. Adm. Code 223)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal

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will "clean up" various errors and outdated portions of the rules found in Parts 218 and 219. The exact changes to be made have not yet been determined, but they shall all be considered routine. Part 211 shall be modified as necessary to accommodate any revised definitions. Parts 212 and 223 are also routine minor changes.

- B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that relies on the portions being amended. Again, however, this rulemaking is designed to be a routine clean-up of the rules.
- 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:

Nancy Hoepfner  
2125 North First Street

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Champaign, Illinois 61820  
217-493-5256  
[nancy.hoepfner@illinois.gov](mailto:nancy.hoepfner@illinois.gov)

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

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

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

- 1) Rulemaking: Docket number R17-11

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

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The Board has reserved docket number R17-11 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2016 through December 31, 2016. At this time, the Board is aware of one federal action during this update period that affected the federal definition of VOM. That action, and the Board action in response, is described as follows:

August 1, 2016 (81 Fed. Reg. 50330): USEPA excluded a new hydrofluoroether from the definition of VOM. The Board must add the exclusion to the Illinois definition of VOM. in 35 Ill. Adm. Code 211.7150.

In coming weeks, by about mid-February 2017, the Board will verify the existence of any additional federal actions that may affect the definition of VOM and determine the Board action required in response to each. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure in docket R17-11, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since the earliest USEPA action that will require Board action occurred on August 1, 2016, the due date for Board adoption of amendments in docket R17-11 would be August 1, 2017.

To meet a due date of August 1, 2017, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-May 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R17-11.

- 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

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least one public hearing, as required by Section 110(a) of the federal Clean Air Act (42 USC § 7410(a)) for amendment of the Illinois ozone SIP.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any other federal actions by mid-February 2017, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is August 1, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-May 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R17-11, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R17-11, as follows:

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

312-814-6924

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[Michael.McCambridge@illinois.gov](mailto:Michael.McCambridge@illinois.gov)

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

- e) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 243)

- 1) Rulemaking: Docket number R17-10

- A) Description: P.A. 97-945 added Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] effective August 10, 2012. This new provision mandates that the Board adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA pursuant to section 109 of the federal Clean Air Act (42 USC § 7409). USEPA has codified the primary and secondary NAAQS at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead). Various other federal regulations relate to aspects of the NAAQS, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating air quality monitoring regions and setting forth their attainment/non-attainment status.

The Board has reserved docket number R17-10 to accommodate any federal amendments to the NAAQS that USEPA may make during the period July 1, 2016 through December 31, 2016. At this time, the Board is aware of three federal actions with regard to the federal NAAQS that

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occurred during this update period. Those actions, and the Board actions in response, are described as follows:

July 13, 2016 (81 Fed. Reg. 45284): USEPA designated two new federal equivalent methods and four new federal equivalent methods for monitoring ambient air quality. The Board included this action in the prior NAAQS update docket, R17-1. No further Board action will be needed in this regard.

October 3, 2016 (81 Fed. Reg. 68216): USEPA revised the NAAQS provisions relating to excluding ambient air monitoring data influenced by exceptional events. The Board must incorporate the changes into the Illinois NAAQS rules.

October 18, 2016 (81 Fed. Reg. 71906): USEPA determined to retain the existing 2008 NAAQS for lead without revision. No Board action will be required on this USEPA action beyond noting that USEPA took the action.

In coming weeks, by about mid-February 2017, the Board will verify the existence of any other federal actions that may affect the federal NAAQS and determine the Board action required in response to each. The Board will then include that action in this docket to make the Illinois ambient air quality standards identical-in-substance to the federal NAAQS in this docket R17-10, as necessary and appropriate.

Section 10(H) 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. Since the earliest USEPA action that will require Board action occurred on October 3, 2016, the due date for Board adoption of amendments in docket R17-10 would be October 3, 2017.

To meet a due date of October 3, 2017, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-July 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R17-10.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 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 may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2017, after which time the Board will either propose any necessary amendments to the Illinois ambient air quality standards that are necessary to ensure that they are identical-in-substance to the federal NAAQS. Since the due date for Board adoption of amendments in this docket is October 3, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-July 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- 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 an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R17-10, as follows:

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

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Address questions concerning this regulatory agenda, noting docket number R17-10, as follows:

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

312-814-6924

[Michael.McCambridge@illinois.gov](mailto:Michael.McCambridge@illinois.gov)

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] 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.

- f) Parts (Headings and Code Citations):

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

Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R17-17

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

The Board has reserved docket number R17-17 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2016

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through December 31, 2016. At this time, the Board is aware of one federal action during this update period that affected the federal definition of VOM. That action, and the Board action in response, is described as follows:

September 30, 2016 (81 Fed. Reg. 67191): By a direct final rule, USEPA extended the implementation date for the effluent and pretreatment standards for unconventional oil and gas extraction facilities adopted on June 28, 2016.

The Board will verify the existence of any other federal actions that may affect the text of the federal wastewater pretreatment regulations and determine the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2017. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R17-17, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since the earliest USEPA action that will require Board action occurred on September 30, 2016, the due date for Board adoption of amendments in docket R17-17 would be September 30, 2017.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2017, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed

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to be September 30, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-July 2016. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois wastewater pretreatment rules is needed, the Board will promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that 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 R17-17, as follows:

Address questions concerning this regulatory agenda, noting docket number R17-17, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R17-17, as follows:

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

312-814-6924

[Michael.McCambridge@illinois.gov](mailto:Michael.McCambridge@illinois.gov)

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307 or 310 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27

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and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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

1) Rulemaking: Docket number R17-12

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 docket number R17-12 to accommodate any amendments to the SDWA National Primary Drinking Water Standards (NPDWRs), 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2016 through December 31, 2016. At this time, the Board is aware of one federal action during this update period that affected the federal definition of VOM. That action, and the Board action in response, is described as follows:

July 19, 2016 (81 Fed. Reg. 46839): USEPA granted expedited approval to 16 alternative test procedures for demonstrating compliance. The alternative test procedures are used for analyzing disinfection residuals, disinfection byproducts, inorganic contaminants, and conductivity parameters.

The Board will verify the existence of any federal actions that may affect the text of the federal NPDWRs and determine the Board action required in response to each in coming weeks, by about mid-February 2017. The Board will then propose corresponding amendments to the Illinois SDWA

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primary drinking water regulations using the identical-in-substance procedure or dismiss docket R17-12, as necessary and appropriate.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since the earliest USEPA action that will require Board action occurred on July 19, 2016, the due date for Board adoption of amendments in docket R17-12 would be July 19, 2017.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2016, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 19, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* before late-April 2016. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R17-12, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R17-12, as follows:

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

312-814-6924

[Michael.McCambridge@illinois.gov](mailto:Michael.McCambridge@illinois.gov)

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

- h) 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)

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Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R17-13

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

The Board has reserved docket number R17-13 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2016 through December 31, 2016. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and determine the Board action required in response to each in coming weeks, by about mid-February 2017. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R17-13, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2016, the due date for Board adoption of amendments in docket R17-13 would be July 1, 2017.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2017, after which time the Board will propose

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any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-April 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R17-13, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R17-13, as follows:

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

312-814-6924

[Michael.McCambridge@illinois.gov](mailto:Michael.McCambridge@illinois.gov)

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for the period July 1, 2016 through December 31, 2016 (R17-15) (see item (i) below), and other, as yet unknown, unrelated Board proceedings may affect 35 Ill. Adm. Code 702, 705, or 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 704, 730, or

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738 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

i) 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 R17-15

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.

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The Board has reserved docket number R17-15 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2016 through December 31, 2016. At this time, the Board is aware of two federal actions during this update period that affected the federal RCRA Subtitle C hazardous waste regulations. That action, and the Board action in response, is described as follows:

November 28, 2016 (81 Fed. Reg. 85696): USEPA amended various requirements relating to export of hazardous waste. The amendments make the rules more consistent with the requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD). The revisions further implement electronic submittal of all export- and import-related documents and enable electronic validation of consent in the Automated Export System (AES) for shipments subject to export consent requirements. The Board must make corresponding changes in the various pertinent State requirements.

November 28, 2016 (81 Fed. Reg. 85732): USEPA adopted the Hazardous Waste Generator Improvements Rule, which revised various requirements applicable to generators of hazardous waste. The Board must make corresponding changes in the various pertinent State requirements.

The Board will verify the existence of any federal actions that affect the RCRA Subtitle C regulations and determine the Board action required in response to each in coming weeks, by about mid-February 2017. The Board will then propose corresponding amendments to the Illinois federal RCRA Subtitle C-derived hazardous waste regulations using the identical-in-substance procedure or dismiss docket R17-15, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since USEPA adopted an amendment that will require Board action on November 28, 2016, the due date for Board adoption of amendments in docket R17-15 would be November 28, 2017.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2017, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is November 28, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register before late-August 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. It would also allow 30 days from the date of a Board vote to adopt amendments for USEPA to review the amendments before they are filed with the Office of the Secretary of State.
- 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 R17-15, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R17-15, as follows:

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100 West Randolph Street, Suite 11-500  
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- G) Related rulemakings and other pertinent information: The USEPA Generator Improvements Rule amendments of November 28, 2016 included ancillary revisions to the federal RCRA Subtitle D Municipal Solid Waste Landfill rules. Those will be the subject of contemporaneous amendments in reserved RCRA Subtitle D update docket for the period July 1, 2016 through December 31, 2016 (R17-14) (see item (k) below). The reserved UIC update docket for the period July 1, 2016 through December 31, 2016 (R17-13) (see item (h) above) and other, as yet unknown, unrelated Board proceedings may affect any of 35 Ill. Adm. Code 702, 705, and 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 721 through 728, 733, and 739 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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

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

- 1) Rulemaking: Docket number R17-16

- 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,

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construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R17-16 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2016 through December 31, 2016. At this time, the Board is not aware of any federal amendments to the federal UST regulations that occurred during this update period.

The Board will verify the existence of any federal actions and determine the Board action required in response to each in coming weeks, by about mid-February 2017. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R17-16, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2016, the due date for Board adoption of amendments in docket R17-16 is July 1, 2017.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2017, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2017, the Board will vote to propose amendments and cause a Notice of

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Proposed Amendments to appear in the Illinois Register before early-April 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board will promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a UST.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R17-16, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R17-16, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
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[Michael.McCambridge@illinois.gov](mailto:Michael.McCambridge@illinois.gov)

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 731 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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

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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.

k) 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: Presently reserved docket number R17-14

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

The Board has reserved docket number R17-14 to accommodate any amendments to the RCRA Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may make in the period July 1, 2016 through December 31, 2016. At this time, the Board is aware of one federal action during this update period that affected the federal RCRA Subtitle D Municipal Solid Waste Landfill regulations. That action, and the Board action in response, is described as follows:

November 28, 2016 (81 Fed. Reg. 85732): USEPA adopted the Hazardous Waste Generator Improvements Rule, which revised various requirements applicable to generators of hazardous waste. USEPA included limited ancillary revisions to the MSWLF rules as they relate to very small generator waste. The Board must make corresponding changes in the various pertinent State requirements.

The Board will verify the existence of any federal actions that may affect the text of the federal RCRA Subtitle D MSWLF regulations and determine the Board action required in response to each in coming weeks,

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by about mid-February 2017. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R17-14, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since USEPA adopted an amendment that will require Board action on November 28, 2016, the due date for Board adoption of amendments in docket R17-14 would be November 28, 2017.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2016, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is November 28, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-September 2017. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R17-14, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R17-14, as follows:

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

312-814-6924

[Michael.McCambridge@illinois.gov](mailto:Michael.McCambridge@illinois.gov)

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect any of 35 Ill. Adm. Code 807 and 810 through 815 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.