



OFFICE OF THE SECRETARY OF STATE

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December 20, 2017

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CLERK'S OFFICE

DEC 22 2017

STATE OF ILLINOIS
Pollution Control Board

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 41, Issue 51 of the Illinois Register, dated 12/26/2017.

REGULATORY AGENDA

Definitions and General Provisions

35 Ill. Adm. Code 211

15405

Point of Contact: Nancy Hoepfner

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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

1) Rulemaking: Docket number R18-16

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

The Board has reserved docket number R18-16 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make July 1, 2017 through December 31, 2017. The Board is not now aware of any federal action during this period that affected the federal definition of VOM. By about mid-February 2018, the Board will verify whether any additional federal actions 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 R18-16, as necessary and appropriate.

Section 9.1(e) requires the Board to complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2017, the due date for Board adoption of amendments in docket R18-16 would be July 1, 2018.

To meet a due date of July 1, 2018, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the

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Illinois Register by late-February 2018. This would be sufficiently before 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 R18-16.

- 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 now scheduled. The Board will vote to propose any amendments at an open meeting in accordance with requirements of 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 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 federal actions by mid-February 2018, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to federal amendments. If the due date for Board adoption of amendments in this docket is July 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-April 2018. This would be sufficiently before the due date to allow the Board to accept public comments on the proposal for 45 days before adopting 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 R18-16, as follows:

Don Brown, 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 R18-16, 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

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is now planned. If the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, however, the Board could 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 to this proceeding. 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. However, 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.

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

- 1) Rulemaking: Docket number R18-15

- A) Description: Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] requires the Board to adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA under section 109 of the federal Clean Air Act (42 USC § 7409). USEPA has codified the primary and secondary NAAQS at 40 CFR 50, including methods for monitoring ambient air quality for 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 approval

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of equivalent and reference methods and 40 CFR 81 air quality monitoring regions and attainment/non-attainment status.

The Board has reserved docket number R18-15 to accommodate any federal amendments to the NAAQS that USEPA may make July 1, 2017 through December 31, 2017. At this time, the Board is aware of two federal actions with regard to the federal NAAQS during this period. Those actions, and the Board actions in response, are described as follows:

September 25, 2017 (82 Fed. Reg. 44612): USEPA designated three new FRMs for particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and coarse particulate matter (PM_{10-2.5}) in ambient air. The Board must incorporate this designation by reference in the Illinois rules.

October 2, 2017 (82 Fed. Reg. 45842): USEPA designated one new FRM for carbon monoxide (CO) in ambient air. The Board must incorporate this designation by reference in the Illinois rules.

By about mid-February 2018, the Board will verify 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, as necessary and appropriate.

Section 10(H) requires the Board to 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 25, 2017, the due date for Board adoption of amendments in docket R18-15 would be September 25, 2018.

To meet a due date of September 25, 2018, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-June 2018. This would be sufficiently before the due date to allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R18-15.

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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 now scheduled. The Board will vote to propose any amendments at an open meeting in accordance with requirements of 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, as 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 2018, after which time the Board will propose any 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 September 25, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-June 2018. This would be sufficiently before the due date to allow the Board to accept public comments on the proposal for 45 days before adopting 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 R18-15, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R18-15, as follows:

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Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is now planned. The Board may receive a rulemaking proposal under 415 ILCS 5/27 and 28 at any time, however, which could cause the Board to initiate the rulemaking process.

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 to this proceeding. 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. However, 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.

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

- 1) Rulemaking: Docket number R14-24

- A) Description: The Sanitary District of Decatur seeks a site-specific rulemaking for its main sewerage treatment plant. The District seeks an alternative chronic water quality standard for nickel from the point of its discharge into the Sangamon River, and an alternative rule under certain flow conditions to allow mixing to be considered when determining a water quality based NPDES permit limit for nickel.
- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/527, 28].
- C) Scheduled meeting/hearing dates: Hearings have not yet been scheduled.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking is expected to be published in the *Illinois Register* within the next six months.

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- E) Effect on small businesses, small municipalities or not for profit corporations: This proposed site-specific rule would affect the Sanitary District of Decatur.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Tetyana Rabczak
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601
tetyana.rabczak@illinois.gov
(312) 814-5053

- G) Related Rulemaking and other pertinent information: None.

d) Parts (Headings and Code Citations):

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

1) Rulemaking: Docket number R18-14

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

The Board has reserved docket number R18-14 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that USEPA may make July 1, 2017 through December 31, 2017. The Board is now aware of two federal actions during this period that affected the federal wastewater pretreatment regulations. Those actions, and the Board actions in response, are described as follows:

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July 5, 2017 (82 Fed. Reg. 30997): USEPA corrected its June 26, 2017 pretreatment standards for dental dischargers. The Board must correct the standards when incorporating them into the Illinois regulations.

September 18, 2017 (82 Fed. Reg. 43494): USEPA postponed the effective the pretreatment standards for the steam electric power generating point source category adopted November 3, 2015. The Board must revise the compliance date in the Illinois regulations.

The Board will verify whether any other federal actions affect 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 2018. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R18-14, as necessary and appropriate.

Section 13.3 of the Act requires the Board to 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 5, 2017, the due date for Board adoption of amendments in docket R18-14 would be July 5, 2018.

- 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 now scheduled. The Board will 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 now project an exact date for publication. The Board expects to verify any federal actions by mid-February 2018, after which the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments. If the due date for Board adoption of amendments in this docket is assumed to be July 5, 2018, the Board will propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-June 2017. This would be

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sufficiently before the due date to allow the Board to accept public comments on the proposal for 45 days before adopting 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 discharges 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 R18-14, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R18-14, 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

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307 or 310 is now planned. If the board receives a rulemaking proposal under 415 ILCS 5/27 and 28, however, the Board could 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 to this proceeding. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules. However, the Board will cause a Notice of Proposed Amendments

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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): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket number R18-9
- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] requires the Board to update the Illinois drinking water regulations to reflect USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.
- The Board has reserved docket number R18-9 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 July 1, 2017 through December 31, 2017. The Board is now aware of one federal action during this period that affected the NPDWRs. That action, and the Board action in response, is described as follows:
- July 27, 2017 (82 Fed. Reg. 34861): USEPA approved alternative analytical procedures for drinking water contaminants. The Board must add the alternative methods to the Illinois rules.
- The Board will determine whether any other federal actions may affect the federal NPDWRs and whether Board action is required by about mid-February 2018. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R18-9, as necessary and appropriate.
- Section 17.5 requires the Board to complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on July 27, 2017, the due date for Board adoption of amendments in docket R18-9 would be July 27, 2018.
- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

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- C) Scheduled meeting/hearing dates: None now scheduled. The Board will propose any amendments at an open meeting according to 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 now project an exact date for publication. The Board expects to verify any federal actions by mid-February 2018, after which the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments. If the due date for Board adoption of amendments in this docket were assumed to be July 27, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* before late-April 2017. This would be sufficiently before the due date to allow the Board to accept public comments on the proposal for 45 days before adopting 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 3.365 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 R18-9, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R18-9, as follows:

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

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Chicago, Illinois 60601

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is now planned. If the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, however, the Board could 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 to this proceeding. 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. However, 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):

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: Presently reserved docket number R18-10

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] requires the Board to 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 R18-10 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, July 1, 2017 through December 31, 2017. The Board is not now aware of any federal amendments to the federal UIC rules during this period.

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The Board will verify whether any federal actions affecting the UIC regulations and determine the Board action required by about mid-February 2018. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R18-10, as necessary and appropriate.

Section 13(c) requires the Board to 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 period, on July 1, 2017, the due date for Board adoption of amendments in docket R18-10 would be July 1, 2018.

- 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 now scheduled. The Board will propose any amendments according to the requirements of 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 now project an exact date for publication. The Board expects to verify any federal actions by mid-February 2018, after which the Board will propose any amendments to the Illinois UIC rules that are necessary in response to federal amendments. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2018, the Board will propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-April 2018. This would be sufficiently before the due date to allow the Board to accept public comments on the proposal for 45 days before adopting 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.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-10, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R18-10, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
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michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for July 1, 2017 through December 31, 2017 (R18-12) (see item (g) below), and other, as yet unknown, unrelated Board proceedings may affect 35 Ill. Adm. Code 702, 705, or 720. The reserved RCRA Subtitle C update docket for July 1, 2016 through December 31, 2016 (R17-15), currently under development, will affect 35 Ill. Adm. Code 35 Ill. Adm. Code 702 and 720. If the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, however, the Board could 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 to this proceeding. 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. However, 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) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)

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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 R18-12

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

The Board has reserved docket number R18-12 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made July 1, 2017 through December 31, 2017. The Board is not now aware of any federal action during this period that affected the federal RCRA Subtitle C hazardous waste regulations. The Board will verify any federal actions that affect the RCRA Subtitle C regulations and determine the Board action required in response to each by about mid-February 2018. 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 R18-12, as necessary and appropriate.

Section 22.4(a) requires the Board to complete amendments within one year of the date on which USEPA adopted the earliest action upon which

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the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the period, July 1, 2017, the due date for Board adoption of amendments in docket R18-12 would be July 1, 2018.

- 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 now scheduled. The Board will propose any amendments according to 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 now project an exact date for publication. The Board expects to verify any federal actions by mid-February 2018, after which the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments. If the due date for Board adoption of amendments in this docket is July 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register before mid-March 2018. This would be sufficiently before the due date to allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. It would also allow 30 days after the Board adopts amendments for USEPA to review the amendments before they are filed with 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 R18-12, as follows:

Don Brown, 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 R18-12, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
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- G) Related rulemakings and other pertinent information: The reserved UIC update docket for July 1, 2017 through December 31, 2017 (R18-10) (see item (f) above) and other, as yet unknown, unrelated Board proceedings may affect 35 Ill. Adm. Code 702, 705, or 720. The reserved RCRA Subtitle C update docket for July 1, 2016 through December 31, 2016 (R17-15), currently under development, will affect 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 720 through 728, and 733. If the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, however, the Board could 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 to this proceeding. 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. However, 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) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R18-13

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] requires the Board to update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The requirement 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.

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The Board has reserved docket number R18-13 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make July 1, 2017 through December 31, 2017. The Board is not now aware of any federal amendments to the federal UST regulations during this period. The Board will verify any federal actions and determine the Board action required in response to each by about mid-February 2018. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R18-13, as necessary and appropriate.

Section 22.4(d) requires the Board to complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming that USEPA adopted an amendment that will require Board action on July 1, 2017, the due date for Board adoption of amendments in docket R18-13 is July 1, 2018.

- 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 now scheduled. The Board will propose any amendments according to the requirements of 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 now project an exact date for publication. The Board expects to verify any federal actions by mid-February 2018, after which the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments. If the due date for Board adoption of amendments in this docket were assumed to be July 1, 2018, the Board will propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register before mid-April 2017. This would be sufficiently before the due date to allow the Board to accept public comments on the proposal for 45 days before adopting 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.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-13, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R18-13, as follows:

Michael J. McCambridge, Attorney
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100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 731 is now planned. If the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, however, the Board could 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 to this proceeding. 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. However, 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):

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)

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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 R18-11

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

The Board has reserved docket number R18-11 to accommodate any amendments to the RCRA Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may make July 1, 2017 through December 31, 2017. The Board is not now aware of any federal action during this period that affected the federal RCRA Subtitle D Municipal Solid Waste Landfill regulations. The Board will verify any federal actions and determine the Board action required in response to each by about mid-February 2018. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R18-11, as necessary and appropriate.

Section 22.40(a) requires the Board to complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on July 1, 2017, the due date for Board adoption of amendments in docket R18-11 would be July 1, 2018.

- 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 now scheduled. The Board will propose any amendments according to 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 now project an exact date for publication. The Board expects to verify any federal actions by mid-February 2018, after which the Board will propose any

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amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments. If the due date for Board adoption of amendments in this docket is July 1, 2018, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-April 2018. This would be sufficiently before 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.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R18-11, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R18-11, as follows:

Michael J. McCambridge, Attorney
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- 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 now planned. If the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, however, the Board could 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

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Administrative Procedure Act (APA) shall not apply to this proceeding. 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. However, 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): Waste Surface Impoundments at Power Generating Facilities (35 Ill. Adm. Code 841) (New Part)
- 1) Rulemaking: Docket number R14-10
- A) Description: On October 28, 2013, the Illinois Environmental Protection Agency filed a rulemaking proposal to add a Part 841 to the Board's waste disposal regulations. The Agency stated that it proposed a generally applicable rule for coal combustion waste (CCW) surface impoundments at power generating facilities.
- B) Statutory Authority: Implementing and authorized by Sections 12, 13, 22, 27, and 28 of the Environmental Protection Act [415 ILCS 5/12, 13, 22, 27, and 28].
- C) Scheduled meeting/hearing dates: Hearings had not now been scheduled.
- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
- E) Effect on small businesses, small municipalities or not for profit corporations: As proposed, this rule would apply to surface impoundments located at electric generating stations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

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- G) Related rulemakings and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal. No other rulemaking that would affect the proposed Part 841 is now planned.