

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2015 REGULATORY AGENDA

- a) Parts (Heading and Code Citation): General Rules (35 Ill. Adm. Code 101)
- 1) Rulemaking: Docket Number R15-20
- A) Description: This rulemaking modifies procedures for motions by out-of-state attorneys and service of filings. Also amended are the Board's procedural rules for administrative citations filed pursuant to Section 23.1 of the Public Water Supply Operations (PWSO) Act (415 ILCS 45/23.1). P.A. 98-0856, eff. Aug. 4, 2014.
- B) Statutory Authority: Implementing and authorized by Sections 5, 26, and 28 of the Environmental Protection Act [415 ILCS 5/5, *et. al.*].
- C) Scheduled meeting/hearing dates: Hearings are not required for this procedural rulemaking, and none have been scheduled.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking was published in the *Illinois Register* on March 6, 2015. As substantive changes were made during the first notice period, a second Notice of Proposed Rulemaking was published in the *Illinois Register* on June 5, 2015.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule could affect any person or entity that appears before the 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

Address questions concerning this regulatory agenda to:

Daniel Robertson
Pollution Control Board
100 W. Randolph St.

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G) Related Rulemaking and other pertinent information: None.

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

1) Rulemaking: Docket Number R16-3

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

The Board has reserved this docket number to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2015 through June 30, 2015. At this time, the Board is unaware of any federal action during this update period that affected the federal definition of VOM.

The Board will verify the existence of any other federal actions that may affect the federal definition of VOM, and propose corresponding amendments to the Illinois definition of VOM 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.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 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.
- 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 as follows:

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Address questions concerning this regulatory agenda, noting docket number R16-3, as follows:

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is planned at this

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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.

- c) Parts (Heading and Code Citation): Sulfur Limitations (35 Ill. Adm. Code 214)
Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)
Control of Emissions from Large Combustion Sources (35 Ill. Adm. Code 225)
- 1) Rulemaking: Docket Number R15-21
- A) Description: On April 28, 2015, the Illinois Environmental Protection Agency filed a rulemaking generally proposing to control emissions of sulfur dioxide in and around areas designated as nonattainment with respect to the 2010 sulfur dioxide National Ambient Air Quality Standard (NAAQS).
- B) Statutory Authority: Implementing and authorized by Sections 4, 10, 27, 28 and 28.2 of the Environmental Protection Act [415 ILCS 5/5, *et. al.*].
- C) Scheduled meeting/hearing dates: Hearings are scheduled for July 8, 2015 in Springfield, July 29, 2015 in Joliet, and August 4, 2015 in Pekin.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking was published in the *Illinois Register* on May 22, 2015.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule affects industries that are regulated by the Illinois Environmental Protection Agency for sulfur dioxide emissions.

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

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

- d) Part (Heading and Code Citation): Air Quality Standards (35 Ill. Adm. Code 243)

- 1) Rulemaking: Docket number R16-2

- 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 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.

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The Board has reserved this docket to accommodate any federal amendments to the NAAQS that USEPA may make during the period January 1, 2015 through June 30, 2015. At this time, the Board is aware of one action to the federal NAAQS that occurred during this update period:

March 6, 2015 (80 Fed. Reg. 12264)

Description of the USEPA action: USEPA adopted an implementation rule for the 2008 ozone NAAQS. One segment of the implementation rule revised the sunset and anti-backsliding provisions of the 1997 ozone NAAQS.

The Board will verify the existence of any other federal actions that may affect the federal NAAQS, and will amend the Illinois ambient air quality standards 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.

- 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.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time.
- 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 R16-2, as follows:

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is planned at this 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.
- e) Parts (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.

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- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/5, *et. al.*].
- C) Scheduled meeting/hearing dates: A hearing has not yet been scheduled at the request of the District.
- 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.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule will affect the Sanitary District of Decatur.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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- G) Related Rulemaking and other pertinent information: None.
- 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 R16-1

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

The Board has reserved this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2015 through June 30, 2015. At this time, the Board is not aware of any federal amendments to the federal wastewater pretreatment regulations that occurred during this update period.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: No hearings are scheduled.
- D) Date agency anticipates First Notice: The Board cannot project a date for publication at this time.
- 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 as follows:

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- G) Related rulemakings and other pertinent information: No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 307 and 310. Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- g) Parts (Heading and Code Citation): Permits (35 Ill. Adm. Code 309)

- 1) Rulemaking: Docket Number R15-24

- A) Description: On June 1, 2015, the Illinois Environmental Protection Agency filed a rulemaking proposal to update rules pertaining to public water supplies. According to the Agency, one purpose of the proposed amendments is to update the rules to model federal regulations. The second purpose is to give the Agency flexibility when a permit renewal application has been filed late for just causes. The amendments would allow the Agency to grant permission for the permit holder to submit an NPDES permit renewal application less than 180 days before the permit is to expire. Additionally, there is a new proposal allowing lifetime operating permits for specified pretreatment works or wastewater sources. Other changes are intended to clarify and streamline the rules.

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- B) Statutory Authority: Implementing and authorized by Sections 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3, 27].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments may be published in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule will affect NPDES permit holders, as well as persons seeking permits for the construction, modification, and operation of treatment works, pretreatment works, sewers, wastewater sources, and other discharges that are not required to have NPDES permits.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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- G) Related Rulemaking and other pertinent information: None.
- h) Parts (Heading and Code Citation): Introduction (35 Ill. Adm. Code 601)
Permits (35 Ill. Adm. Code 602)
Ownership and Responsible Personnel (35 Ill. Adm. Code 603)
- 1) Rulemaking: Docket Number R15-22
- A) Description: On May 8, 2015, the Illinois Environmental Protection Agency filed a rulemaking proposal to update rules pertaining to public water supplies. According to the Agency, the proposed amendments streamline permitting rules, and update the existing regulations to be consistent with recent statutory changes. The updates include adding a Responsible Operator in Charge (ROINC), a position that a community water supply must designate to the Agency that directly supervises the water treatment facilities or distribution facilities or both of the community water supply. The Agency further proposes a new concept: an administrative contact that a community water supply could designate to serve as agent of the owner or official custodian. Notice by the Agency on the administrative contact would be considered notice on the owner or official custodian.
- B) Statutory Authority: Implementing and authorized by Sections 17 and 27 of the Environmental Protection Act [415 ILCS 5/17, 27].
- C) Scheduled meeting/hearing dates: Hearings are scheduled for July 2, 2015 in Chicago, and August 17 in Springfield.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments may be published in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule will affect public water suppliers.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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- G) Related Rulemaking and other pertinent information: None.
- i) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket Number R15-23
- A) Description: On May 1, 2015, the United States Department of Health and Human Services adopted a recommended fluoridation ion concentration of 0.7 mg/L. On May 20, 2015, the Illinois Environmental Protection Agency (IEPA) filed a new rulemaking to amend the fluoride water quality standard in response to this change. The change will result in a reduction of a community water supply's cost of having to meet the existing higher fluoridation levels. Additionally, the IEPA's proposal reinstates a secondary fluoride standard in Section 611.858 that was inadvertently repealed in 2001.
- B) Statutory authority: Implementing and authorized by Sections 7.2, 17, 17.5 and 27 of the Environmental Protection Act [415 ILCS 5/5, 7.2, 17, 17.5 & 27].
- C) Scheduled meeting /hearing date: Hearings are scheduled for July 30, 2015 in Springfield and August 19, 2015 in Chicago.

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- D) Date agency anticipates First Notice: A Notice of Proposed Amendments had not been published in the *Illinois Register* at the time this regulatory agenda was filed, but is expected to be published within the next 30 days.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule will affect public water suppliers.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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

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

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- 1) Rulemaking: Docket Number R16-4
- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.
- The Board has reserved this docket to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2015 through June 30, 2015. At this time, the Board is not aware of any federal amendments that occurred during this update period.
- Within the next month, the Board will verify the existence of any other federal actions that may affect the text of the federal primary drinking water standards and determine the Board action required in response.
- Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.
- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: 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.
- 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

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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 as follows:

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- 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.

- k) Parts (Headings and Code Citations): RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)

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Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Docket Number R16-5

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

The Board has reserved this docket to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2015 through June 30, 2015. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- 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.

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- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

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- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for this reporting period and other, as yet unknown, unrelated Board proceedings may affect the text of 35 Ill. Adm. Code 702, 705, and 720. No other presently known proceeding would affect 35 Ill. Adm. Code 704, 730, 738.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative

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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.

1) 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 R16-7

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

The Board has reserved this docket number to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2015 through June 30, 2015. At this time, the Board is aware of three federal actions during this update period.

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January 13, 2015 (80 Fed. Reg. 1694): USEPA amended the Definition of Solid Waste Rule (DSWR). The amendments significantly revised the requirements that determine what materials are designated hazardous secondary materials that are not subject to regulation as hazardous waste. The determination that a material is hazardous secondary material subjects the material to significant management conditions.

April 8, 2015 (80 Fed. Reg. 18777): USEPA removed rules in response to the decision on comparable fuels in NRDC v. EPA, 755 F.3d 1010 (D.C. Cir. 2014), and the gasification rule in Sierra Club v. EPA, 755 F.3d 968 (D.C. Cir. 2014).

April 17, 2015 (80 Fed. Reg. 21302): USEPA adopted new rules to govern the disposal of coal combustion waste as non-hazardous solid waste. The rules also amend the exemption of residues from combustion of coal and other fossil fuels from regulation as hazardous waste to add eight categories of waste to the exclusion.

The Board will verify the existence of any other federal actions that affect the RCRA Subtitle C regulations, and will then propose corresponding amendments 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.

- 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.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small

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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 this docket number, as follows:

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

Michael J. McCambridge, Attorney
Pollution Control Board
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312-814-6924
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- G) Related rulemakings and other pertinent information: The reserved UIC update docket for the period January 1, 2015 through June 30, 2015. 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.

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

- 1) Rulemaking: Docket Number R16-8

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

The Board has reserved this docket to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2015 through June 30, 2015. At this time, the Board is not aware of any amendments to the federal UST regulations that occurred during this update period.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal amendments that may require Board action. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss this docket if no action is needed.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

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- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

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Chicago, Illinois 60601

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

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

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed

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

- n) 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)
Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Docket number R16-6

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

The Board has reserved this docket to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 2015 through June 30, 2015. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure, or dismiss this docket if no action is needed.

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

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- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting this docket number, as follows:

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

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

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- G) Related rulemakings and other pertinent information: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.
- o) Parts (Heading and Code Citation): Site –Specific Closures of Coal Combustion Waste Surface Impoundments (35 Ill. Adm. Code 840)
- 1) Rulemaking: Docket number R13-19
- A) Description: On April 9, 2013, Ameren Energy Resources filed a rulemaking proposal to add a Subpart B to Part 840 of the Board’s waste disposal regulations, which addresses the closure of coal combustion waste surface impoundments. Ameren states that it intends its proposal to allow it to close surface impoundments for management of coal combustion waste at eight coal-fired powered plants.
- B) Statutory Authority: Implementing and authorized by Section 8 of the Groundwater Protection Act and 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. On August 7 2014, the Board granted the proponent’s request to stay this proceeding for one year while a proposed generally-applicable rulemaking proposal is pending.
- D) Date agency anticipates First Notice: Due to the stay granted by the Board, a Notice of Proposed Amendments will not be published in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not for profit corporations: As proposed, this rule would apply to surface impoundments located at eight electric generating stations.

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- 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

Address questions concerning this regulatory agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
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:

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- p) Parts (Heading and Code Citation): Coal Combustion Waste Surface Impoundments at Power Generating Facilities (35 Ill. Adm. Code 841)

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- 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: Multiple hearings were held in Springfield and Chicago.
 - D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules may be published in the *Illinois Register* within the next six 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:

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

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- q) Part (Headings and Code Citations): Management of Used and Waste Tires (35 Ill. Adm. Code 848)
- 1) Rulemaking: Docket Number R15-19
- A) Description: On December 22, 2014, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal to comply with Public Act 98-656. The rulemaking is intended to protect the State's residents from threats resulting from the inappropriate and illegal disposal of used and waste tires while simultaneously minimizing impacts on markets and businesses that diminish those threats by transforming used and waste tires into marketable commodities.
- B) Statutory authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].
- C) Scheduled meeting/hearing dates: Hearings were held on March 5, 2015 in Springfield, and April 15, 2015 in Chicago. .
- D) Date Agency anticipates First Notice: The first-notice proposal was published in the *Illinois Register* on February 27, 2015.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.

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- 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
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Address questions concerning this regulatory agenda to:

Chad Kruse
Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, Illinois 62794-9274

(312) 814-3665
chad.kruse@illinois.gov

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

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- r) Parts (Heading and Code Citation): Sound Emission Standards and Limitations for Property Line Noise Sources (35 Ill. Adm. Code 901)
- 1) Rulemaking: Docket number R14-22
- A) Description: On June 2, 2014, Clifford-Jacobs Forging Company filed a rulemaking proposal to amend a previously promulgated site-specific noise rule to extend the allowable operational levels for its forging facility located in unincorporated Champaign County.
- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].
- C) Scheduled meeting/hearing dates: A hearing was held in Urbana on September 23, 2014.
- D) Date agency anticipates First Notice: The proposed amendments were published in the *Illinois Register* on May 6, 2015.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule is site-specific to Clifford-Jacobs Forging Company.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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Pollution Control Board
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Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Mark Powell
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Mark.Powell@illinois.gov
(312) 814-6887

- G) Related Rulemaking and other pertinent information: This rulemaking is related to R83-25 Clifford-Jacobs Forging Company Petition for a Site-Specific Operation Pursuant to 35 Ill. Adm. Code 901.105(d).
- s) Part (Heading and Code Citation): Clean Construction or Demolition Debris Fill Operations and Uncontaminated Soil Fill Operations (35 Ill. Adm. Code 1100)
- 1) Rulemaking: Docket number R12-9 Subdocket B
- A) Description: At the recommendation of JCAR, the Board opens Subdocket B to continue to examine the issue of groundwater monitoring at CCDD or uncontaminated soil fill operations.
- B) Statutory authority: Implementing and authorized by Sections 5, 3.160, 22.51, 22.51a, and 27 of the Environmental Protection Act [415 ILCS 5/5, 3.160, 22.51, 22.51a & 27].
- C) Scheduled meeting /hearing date: A hearing was held on May 20, 2013.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation operates CCDD or uncontaminated soil fill operations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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

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