

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2015 REGULATORY AGENDA

- a) Parts (Heading and Code Citation): General Rules (35 Ill. Adm. Code 101)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Board anticipates within the next six months proposing limited amendments to the procedural rules to accomplish two primary objectives. First, the amendments would modify the procedural rule concerning motions by out-of-state attorneys for leave to appear *pro hac vice* in Board adjudicatory proceedings, to conform with recent amendments to Supreme Court Rule 707. As amended, that rule applies a uniform process out-of-state attorneys must follow to participate in court or administrative proceedings in Illinois. Second, the Board anticipates proposing clarifying changes to its rules on service of documents filed with the Board. These proposed amendments would seek to make those rules more readily understandable to a *pro se* citizen.
- 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 have not yet been scheduled.
- D) Date agency anticipates First Notice: The date of publication in the *Illinois Register* could not be determined at the time this regulatory agenda was filed. Please check with the Board for further information.
- E) Effect on small businesses, small municipalities or not for profit corporations: 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

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Address questions concerning this regulatory agenda to:

Mark Powell
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

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

- G) Related Rulemaking and other pertinent information: This anticipated rulemaking is related to the pending procedural rulemaking in docket number R14-21, Procedural Rule Amendments to Implement Electronic Filing and Allow for Public Remarks at Board Meetings: Proposed Amendments to 35 Ill. Adm. Code 101-130. The Board adopted a first-notice opinion and order in that docket on June 5, 2014.
- b) Parts (Heading and Code Citation): General Rules (35 Ill. Adm. Code 101)
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
Enforcement (35 Ill. Adm. Code 103)
Regulatory Relief Mechanisms (35 Ill. Adm. Code 104)
Appeals of Final Decisions of State Agencies (35 Ill. Adm. Code 105)
Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)
Petition to Review Pollution Control Facility Siting Decisions (35 Ill. Adm. Code 107)
Administrative Citations (35 Ill. Adm. Code 108)
Tax Certifications (35 Ill. Adm. Code 125)
Identification and Protection of Trade Secrets and Other Non-Disclosable Information (35 Ill. Adm. Code 130)
- 1) Rulemaking: Docket number R14-21
- A) Description: On June 5, 2014, the Board proposed procedural rule amendments with two main objectives. First, the amendments codify procedural standards for remarks by members of the public at the Board's open meetings. Second, these rules will permit, with some exceptions, electronic filing in all Board proceedings, as well as service by e-mail of most types of filings. On November 6, 2014, the Board proposed the amendments for second-notice review by JCAR.

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- B) Statutory Authority: Implementing and authorized by Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act [415 ILCS 5/5, *et. al.*], and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- C) Scheduled meeting/hearing dates: The Board received no requests for a hearing, and no hearing was held.
- D) Date agency anticipates First Notice: The Board anticipates an *Illinois Register* publication date of June 20, 2014.
- 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:

Mark Powell
Pollution Control Board
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(312) 814-6887

- G) Related Rulemaking and other pertinent information: This rulemaking is related to the procedural rulemaking in the previous subsection.
- c) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

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1) Rulemaking: Docket number R15-15

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

The Board has reserved this docket number to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2014 through December 31, 2014. 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.

- 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.

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- 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:

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

Address questions concerning this regulatory agenda, noting docket number R15-15, 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 planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed

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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.

- d) Part (Heading and Code Citation): Regulation Of Coke Or Coal Bulk Terminals (35 Ill. Adm. Code 213)(New Part)
- 1) Rulemaking: Docket number R14-20
- A) Description: On January 16, 2014, the Illinois Environmental Protection Agency (IEPA) filed a motion and proposal for emergency rulemaking pursuant to Section 27(c) of the Environmental Protection Act (Act) (415 ILCS 5/27(c) (2012)), Section 5-45 of the Illinois Administrative Procedure Act (IAPA) (5 ILCS 100/5-45 (2012)), and Section 102.612 of the Board's rules (35 Ill. Adm. Code 102.612). IEPA proposed an emergency rule applicable statewide to govern the handling of coal and coke, including petroleum coke (or "petcoke"), at bulk terminals and other specified facilities. The proposed emergency rules required immediate measures that included road paving, use of dust suppression systems, setback requirements, containment of stormwater, and disposal of coke and coal that have been on site for more than one year.
- On January 23, 2014, the Board denied the IEPA's motion and declined to adopt an emergency rule; however, the Board agreed to proceed with the proposal as a general rulemaking. The Board directed the hearing officer to enter an order asking IEPA to amend its proposal to include the information required in 35 Ill. Adm. Code 102. Emergency Rulemaking Regarding Regulations of Coke/Bulk Terminals: New 35 Ill. Adm. Code 213, R14-20, slip op. at 1 (Jan. 23, 2014).
- On March 20, 2014, the Board granted a request to stay the proceedings until June 23, 2014.
- B) Statutory authority: Implementing and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting /hearing date: The Board is awaiting a proposal for regular rulemaking and will schedule hearings when that proposal arrives.

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- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that stores, transports or manages petcoke.
- 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:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

(312)814-4925
Marie.Tipsord@illinois.gov

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

Dana Vetterhoffer
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276

(217)782-5544

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

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- 1) Rulemaking: Docket number R15-14
- 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.

The Board has reserved this docket to accommodate any federal amendments to the NAAQS that USEPA may make during the period July 1, 2014 through December 31, 2014. At this time, the Board is aware of one action to the federal NAAQS that occurred during this update period:

November 4, 2014 (79 Fed. Reg. 65392)

Description of the USEPA action: USEPA designated two new federal reference methods (FRMs) and two new federal equivalent methods (FEMs) for monitoring compliance with the NAAQS. USEPA designated one new FRM for fine particulates (PM_{2.5}), one new FRM for coarse particulates (PM_{10-2.5}), one new FEM for ozone (O₃), and one new FEM for carbon monoxide (CO) in ambient air.

Prospective necessary Board action in response: The Board has added this action to the NAAQS update docket. After completion of the amendments, no further action will be required to incorporate the new FRMs and FEMs into 35 Ill. Adm. Code 243.

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

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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 R15-14, as follows:

John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
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Address questions concerning this regulatory agenda, noting docket number R15-14, as follows:

Michael J. McCambridge, Attorney
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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

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time. Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- f) Parts (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 5/5, *et. al.*].
- 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.
- 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:

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

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Daniel Robertson
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100 W. Randolph St.
Chicago, Illinois 60601

Daniel.Robertson@illinois.gov
(312) 814-6931

G) Related Rulemaking and other pertinent information: None.

g) Part (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)
Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
Permits (35 Ill. Adm. Code 309)

1) Rulemaking: Docket number R08-9 Subdocket D

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

In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the

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flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket D will address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, 2010, and 2011 in Chicago, Joliet, and Des Plaines. The Board has held 54 days of hearing. Additional hearings were held during the Fall of 2013.
- D) Date agency anticipates First Notice: The proposed rule was published in the *Illinois Register* on October 3, 2014.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Marie Tipsord

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Marie.Tipsord@illinois.gov

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

Stefanie Diers
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1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276

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- h) Parts (Headings and Code Citations): Sewer Discharge Criteria (35 Ill. Adm. Code 307) Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R15-13

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

The Board has reserved this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2014 through December 31, 2014. At this time, the Board is aware of one amendment to the federal wastewater pretreatment regulations:

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August 19, 2014 (79 Fed. Reg. 49001)

Description of the USEPA action: USEPA amended the National Pollutant Discharge Elimination System (NPDES) rules to require use of “sufficiently sensitive” analytical methods for application for an NPDES permit or for demonstrating compliance.

Prospective necessary Board action in response: The Illinois wastewater pretreatment regulations incorporate by reference to the affected federal provision. This rule is sufficiently important that the Board should update the incorporation by reference.

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

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- 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:

John T. Therriault, Assistant Clerk

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

Address questions concerning this regulatory agenda 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 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.
- i) Parts (Heading and Code Citation): General Provisions (35 Ill. Adm. Code 501)
- 1) Rulemaking: Docket number R12-23(A)
- A) Description: On August 7, 2014, the Board adopted rules pertaining to concentrated animal feeding operations (CAFOs). On that same date, the Board opened this subdocket for further consideration of a proposed requirement that certain CAFOs submit specified information to the Illinois Environmental Protection Agency.
- B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

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- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking 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 could affect any agri-business that meets the definition of a Concentrated Animal Feeding Operation and discharges to waters of the State.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, 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

Tim.fox@illinois.gov
(312) 814-6085

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

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

tim.fox@illinois.gov
(312) 814-6085

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- j) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket number R15-16
- 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 July 1, 2014 through December 31, 2014. 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

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municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

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

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Address questions concerning this regulatory agenda, as follows:

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Michael.McCambridge@illinois.gov

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

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

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

1) Rulemaking: Docket number R15-17

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

The Board has reserved this docket to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2014 through December 31, 2014. 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:

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:

Michael J. McCambridge, Attorney
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100 West Randolph Street, Suite 11-500
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(312)814-6924

Michael.Mccambridge@illinois.gov

- 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 R15-11

- 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 July 1, 2014 through December 31, 2014. At this time, the Board is not aware of any federal actions during this update period.

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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 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 R15-11, as follows:

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- G) Related rulemakings and other pertinent information: The reserved UIC update docket for the period January 1, 2014 through June 30, 2014 (R15-17). 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 R15-12
- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.
- The Board has reserved this docket to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2014 through December 31, 2014. 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.

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

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: 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 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 R15-18

- 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 July 1, 2014 through December 31, 2014. 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

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text of the federal primary drinking water standards. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- 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:

Michael J. McCambridge, Attorney

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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.

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- 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.
- 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

(312) 814-6085
Tim.Fox@illinois.gov

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

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

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- p) Parts (Heading and Code Citation): Coal Combustion 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: Multiple hearings were held in Springfield and Chicago.
- 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 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
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

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Tim.Fox@illinois.gov

G) Related Rulemaking and other pertinent information:

Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox
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(312) 814-6085

q) 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 Board anticipates that it may propose amendments for first-notice publication in the *Illinois Register* within the next six months.

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- E) Effect on small businesses, small municipalities or not for profit corporations: This rule is site-specific to Clifford-Jacobs Forging Company.
- 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:

Mark Powell
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601

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).
- r) 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.

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

Address questions concerning this regulatory agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

312-814-4925
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- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Marie Tipsord
Division of Legal Counsel
Illinois Environmental Protection Agency

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- s) Parts (Heading and Code Citation): Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination (35 Ill. Adm. Code 1600)
- 1) Rulemaking: Docket number R14-23
- A) Description: On June 17, 2014, IEPA filed a proposal to amend the Right to Know rules. Specifically, the Agency proposes to require notice to specified members of the public if measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier I remediation objectives; or measured offsite groundwater contamination from volatile chemicals poses a threat of indoor inhalation exposure above the appropriate Tier I remediation objectives.
- 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: Hearings were held in Springfield on September 4, 2014, and in Chicago on October 16, 2014.
- D) Date agency anticipates First Notice: This Board expects to issue a first notice publication in the *Illinois Register* in December 2014.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rule will affect these entities by applying existing Right to Know procedures where measured offsite soil gas contamination or measured offsite groundwater contamination threaten exposure above remediation objectives.

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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.