

Board Adopts First-Notice Proposal for New Phosphorus Rules

The Illinois Pollution Control Board, on March 18, 2010, adopted its first-notice opinion and order in the rulemaking docketed as In the Matter of: Procedural Rules for Authorizations Under P.A. 95-115 (Regulation of Phosphorus in Detergents Act): New 35 Ill. Adm. Code 106.Subpart H (R10-19).

These proposed rules apply to Board authorizations made under the Regulation of Phosphorus in Detergents Act which prohibits the manufacture, distribution, sale, and use of “any cleaning agent” what contains more than 0.5% phosphorus by weight, expressed as elemental phosphorus after July 1, 2010. Under this act, the “Board may authorize the use of additional cleaning agents that contain phosphorus of an amount exceeding 0.5% by weight upon finding that there is no adequate substitute for that cleaning agent or that compliance with this Section would otherwise be unreasonable or create a significant hardship on the user.”

The Board proposes codifying the procedures for cleaning agent authorizations as a new Subpart H to existing Part 106, entitled “Proceedings Pursuant to Specific Rules or Statutory Provisions.” The new 35 Ill. Adm. Code 106.Subpart H follows the general format of the other subparts within Part 106. Unlike other types of determinations in Part 106, the Board does not propose that a hearing be held on every petition filed; however a hearing will be held upon timely request. The burden of proof is on the petitioner.

The new rules would become effective upon filing of the adopted rules, rather than on July 1, 2010 when the prohibitions of the Regulation of Phosphorus in Detergents Act become effective.

The Board presently does not intend to hold a hearing on these proposed rules unless requested to do so.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-19, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address:

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk’s Office at (312) 814-3629.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office

For more information contact Kathleen Crowley at (312) 814-6929 or email at crowlek@ipcb.state.il.us.