

Board Adopts New Rules for Cleaning Agent Authorizations under the Regulation of Phosphorus in Detergents Act

On July 15, 2010, the Illinois Pollution Control Board adopted final rules in its opinion and order in 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). The Joint Committee on Administrative Rules voted a “certificate of no objection” to the rules at its July 13, 2010 meeting.

These new 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” that 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 new rules become effective upon filing with the Illinois Secretary of State.

The procedures for cleaning agent authorizations will be codified 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.

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

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