

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2018 REGULATORY AGENDA

a) Parts (Heading and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Alternative Control Strategies (35 Ill. Adm. Code 202)
Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)
Vehicle Scrappage Activities (35 Ill. Adm. Code 207)
Definitions and General Provisions (35 Ill. Adm. Code 211)
Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)
Sulfur Limitations (35 Ill. Adm. Code 214)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Carbon Monoxide Emissions (35 Ill. Adm. Code 216)
Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)
Organic Material Emission Standards and Limitations for The Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for The Metro East Area (35 Ill. Adm. Code 219)
Nonmethane Organic Compounds (35 Ill. Adm. Code 220)
Standards and Limitations for Organic Material Emissions for Area Sources (35 Ill. Adm. Code 223)
Control of Emissions from Large Combustion Sources (35 Ill. Adm. Code 225)
Asbestos (35 Ill. Adm. Code 228)
Hospital/Medical/Infectious Waste Incinerators (35 Ill. Adm. Code 229)
New Source Performance Standards (35 Ill. Adm. Code 230)
Hazardous Air Pollutants (35 Ill. Adm. Code 231)
Toxic Air Contaminants (35 Ill. Adm. Code 232)
Open Burning (35 Ill. Adm. Code 237)

1) Rulemaking: Docket R18-21

A) Description: On January 10, 2018, the Illinois Environmental Protection Agency filed a rulemaking proposal to update various subtitles of the Board's rules. The Agency stated that it reviewed Board rules to identify provisions to revise or repeal in response to the Governor's Executive Order 2016-13. The Executive Order requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Agency proposes amendments to Parts 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, which the Agency considers to be non-substantive. Independent of the Agency's proposal, the Board reviews its Subtitle B air regulations and intends to propose additional

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amendments that remove obsolete, repetitive, confusing, or otherwise unnecessary rule language through all Parts of Subtitle B, except for Part 205, which is under review in a separate docket, docket R18-22.

- B) Statutory Authority: Implementing and authorized by Sections 13 and 27 of the Environmental Protection Act [415 ILCS 5/13 & 27].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking is not expected to affect any small business, small municipality, or not for profit corporations because the proposed amendments are non-substantive. The Board expects to propose only non-substantive changes.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov

Address questions concerning this regulatory agenda to:

Tetyana Rabczak
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100 W. Randolph St.
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And

Jason James

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Pollution Control Board
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- G) Related rulemakings and other pertinent information: In a separate docket, Docket R18-22, the Board is revising Part 205 of Subtitle B Air Pollution regulations concerning Emissions Reduction Market System.
- b) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)
- 1) Rulemaking: Docket number R19-6
- 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 docket number R19-6 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2018 through June 30, 2018. The Board is presently not aware of any federal action during this update period that affected the federal definition of VOM. In coming weeks, by about mid-August 2018, the Board will verify the existence of any additional federal actions that may affect the definition of VOM and determine the Board action required in response to each. The Board will then propose corresponding amendments to the Illinois definition of VOM using the

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identical-in-substance procedure in docket R19-6, 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. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2018, the due date for Board adoption of amendments in docket R19-6 would be January 1, 2019.

To meet a due date of January 1, 2019, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late September 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R19-6.

- 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. The Board expects to verify any other federal actions by mid-August 2018, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is January 1, 2019, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late September 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit

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corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R19-6, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R19-6, 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 Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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

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- 1) Rulemaking: Docket number R19-5
- A) Description: Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] 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 docket number R19-5 to accommodate any federal amendments to the NAAQS that USEPA may make during the period January 1, 2018 through June 30, 2018. The Board is presently aware of one federal action with regard to the federal NAAQS that occurred during this update period. That action, and the Board action in response, is described as follows:

February 13, 2018 (83 Fed. Reg. 6174): USEPA designated one new FRM for nitrogen oxides (NO_x) in ambient air. The Board must incorporate this designation by reference in the Illinois rules.

In coming weeks, by about mid-August 2018, the Board will verify the existence of any other federal actions that may affect the federal NAAQS and determine the Board action required in response to each. The Board will then include that action in this docket to make the Illinois ambient air quality standards identical-in-substance to the federal NAAQS in this docket R19-5, 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. Since the earliest USEPA action that will require Board action occurred on February 13, 2018, the due date for Board adoption of amendments in docket R19-5 would be February 13, 2019.

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To meet a due date of February 13, 2019, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late October 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R19-5.

- 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. 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 may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2018, after which time the Board will either propose any necessary amendments to the Illinois ambient air quality standards that are necessary to ensure that they are identical-in-substance to the federal NAAQS. Since the due date for Board adoption of amendments in this docket is February 13, 2019, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by Late October 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit 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 R19-5,

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as follows:

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

Address questions concerning this regulatory agenda, noting docket number R19-5, 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 243 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 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.

- d) Parts (Heading and Code Citation):

Introduction (35 Ill. Adm. Code 301)

Water Quality Standards (35 Ill. Adm. Code 302)

Water Use Designations and Site-Specific Water Quality Standards (35 Ill. Adm. Code 303)

Effluent Standards (35 Ill. Adm. Code 304)

Monitoring and Reporting (35 Ill. Adm. Code 305)

Performance Criteria (35 Ill. Adm. Code 306)

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Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Disposal of Wastes from Watercraft (35 Ill. Adm. Code 308)
Permits (35 Ill. Adm. Code 309)
Pretreatment Programs (35 Ill. Adm. Code 310)
Treatment Plant Operator Certification (35 Ill. Adm. Code 312)

- 1) Rulemaking: Docket number R18-23
 - A) Description: On January 10, 2018, the Illinois Environmental Protection Agency filed a rulemaking proposal to update various subtitles of the Board's rules. The Agency stated that it reviewed Board rules to identify provisions to revise or repeal in response to the Governor's Executive Order 2016-13. The Executive Order requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Agency proposes amendments to Parts 301-304, 306, 309 and considers these amendments to be non-substantive. Independent of the Agency's proposal, the Board is reviewing its Subtitle C water pollution regulations (35 Ill. Adm. Code 301-312) to propose additional amendments that remove obsolete, repetitive, confusing, or otherwise unnecessary rule language.
 - B) Statutory Authority: Implementing and authorized by Sections 13 and 27 of the Environmental Protection Act [415 ILCS 5/13 & 27].
 - C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
 - D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
 - E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking is not expected to affect any small business, small municipality, or not for profit corporations because the proposed amendments are non-substantive. The Board expects to propose only non-substantive changes so that this rule continues to apply to the maintenance, enhancement, and restoration of waters of the State and the prevention of water pollution.
 - F) Agency contact person for information: Address written comments

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concerning the substance of the rulemaking to:

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Chicago, Illinois 60601
don.brown@illinois.gov

Address questions concerning this regulatory agenda to:

Natalie Winqvist
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natalie.winqvist@illinois.gov

- G) Related rulemakings and other pertinent information: In R 2014-024, Proposed Site-Specific Rule for Sanitary District of Decatur form 35 Ill. Adm. Code 302.208(e), the District has proposed to add 35 Ill. Adm. Code 303.410 establishing a site-specific chronic water quality standard for dissolved nickel. The Board may adopt a first-notice proposal in the second half of calendar year 2018.

e) Parts (Headings and Code Citations):

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

1) Rulemaking: Docket number R19-4

- 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 docket number R19-4 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, 2018 through June 30, 2018. The Board is presently aware of one federal

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action during this update period that may affect the federal wastewater pretreatment regulations. Those actions, and the Board actions in response, are described as follows:

February 6, 2018 (83 Fed. Reg. 5200): USEPA delayed the effective date of the definition of “waters of the United States. If the Board determines that this delay affects the applicability or effect of the wastewater pretreatment rules, the Board must incorporate the delay into the Illinois regulations.

The Board will verify the existence of any other federal actions that may affect the text of the federal wastewater pretreatment regulations and determine the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2018. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R19-4, as necessary and appropriate.

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. Since the earliest USEPA action that may require Board action occurred on February 6, 2018, the due date for Board adoption of amendments in docket R19-4 would be February 6, 2019.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: None 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. The Board expects to verify any federal actions by mid-August 2018, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be February 6,

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2019, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late October 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois wastewater pretreatment rules is needed, the Board will promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that 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, noting docket number R19-4, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R19-4, 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 307 or 310 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 13.3 of the Environmental Protection Act provides that Title VII

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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.

f) Parts (Heading and Code Citation):

General Provisions (35 Ill. Adm. Code 401)
Definitions (35 Ill. Adm. Code 402)
NPDES Permits (35 Ill. Adm. Code 403)
State Permits (35 Ill. Adm. Code 404)
State and NPDES Permits (35 Ill. Adm. Code 405)
Mine Waste Effluent and Water Quality Standards (35 Ill. Adm. Code 406)

1) Rulemaking: Docket number R18-24

- A) Description: On January 10, 2018, the Illinois Environmental Protection Agency filed a rulemaking proposal to update various subtitles of the Board's rules. The Agency stated that it reviewed Board rules to identify provisions to revise or repeal in response to the Governor's Executive Order 2016-13. The Executive Order requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Agency proposes amendments to Parts 401-405 and considers these amendments to be non-substantive. Independent of the Agency's proposal, the Board is reviewing its Subtitle D mine related water pollution regulations (35 Ill. Adm. Code 401-406) to propose additional amendments that remove obsolete, repetitive, confusing, or otherwise unnecessary rule language.
- B) Statutory Authority: Implementing and authorized by Sections 12, 13, and 27 of the Environmental Protection Act [415 ILCS 5/12, 13, & 27].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.

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- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking is not expected to affect any small business, small municipality, or not for profit corporations because the proposed amendments are non-substantive. The Board expects to propose only non-substantive changes so that this rule continues to apply to water pollution caused by mine discharges and non-point source mine discharges.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
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don.brown@illinois.gov

Address questions concerning this regulatory agenda to:

Natalie Winqvist
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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect the proposed amendments to Subtitle D is now planned.

g) Parts (Heading and Code Citation):

General Provisions (35 Ill. Adm. Code 501)
Permits (35 Ill. Adm. Code 502)
Other Agricultural and Silvicultural Activities (35 Ill. Adm. Code 503)
Livestock Waste Regulations (35 Ill. Adm. Code 506)

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- 1) Rulemaking: Docket number R18-25
 - A) Description: On January 10, 2018, the Illinois Environmental Protection Agency filed a rulemaking proposal to update various subtitles of the Board's rules. The Agency stated that it reviewed Board rules to identify provisions to revise or repeal in response to the Governor's Executive Order 2016-13. The Executive Order requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Agency proposes limited amendments to Part 501 and considers these amendments to be non-substantive. Independent of the Agency's proposal, the Board is reviewing its Subtitle E agriculture related water pollution regulations (35 Ill. Adm. Code 501-506) to propose additional amendments that remove obsolete, repetitive, confusing, or otherwise unnecessary rule language.
 - B) Statutory Authority: Implementing and authorized by Sections 9, 12, 13, 21, 22, and 27 of the Environmental Protection Act [415 ILCS 5/9, 12, 13, 21, 22, & 27].
 - C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
 - D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
 - E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking is not expected to affect any small business, small municipality, or not for profit corporations because the proposed amendments are non-substantive. The Board expects to propose only non-substantive changes so that this rule continues to apply to the equipment or facilities capable of causing air and water pollution.
 - F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect the proposed amendments to Subtitle E is now planned.

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)
Operation and Record Keeping (35 Ill. Adm. Code 607)
Primary Drinking Water Standards (35 Ill. Adm. Code 611)
Existing Activities in a Setback Zone or Regulated Recharge Area (35 Ill. Adm. Code 615)
New Activities in A Setback Zone or Regulated Recharge Area (35 Ill. Adm. Code 616)
Regulated Recharge Areas (35 Ill. Adm. Code 617)
Maximum Setback Zones (35 Ill. Adm. Code 618)
Groundwater Quality (35 Ill. Adm. Code 620)

1) Rulemaking: Docket number R18-26

- A) Description: On January 10, 2018, the Illinois Environmental Protection Agency filed a rulemaking proposal to update various subtitles of the Board's rules. The Agency stated that it reviewed Board rules to identify provisions to revise or repeal in response to the Governor's Executive Order 2016-13. The Executive Order requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Agency proposes amendments to Parts 611, 615-617 and considers these amendments to be non-substantive. Independent of the

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Agency's proposal, the Board is reviewing its Subtitle F public water supply regulations (35 Ill. Adm. Code 601-620) to propose additional amendments that remove obsolete, repetitive, confusing, or otherwise unnecessary rule language.

- 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 have not been scheduled.
- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking should not affect any small business, small municipality, or not for profit corporations because the proposed amendments are non-substantive. The Board expects to propose only non-substantive changes so that this rule continues to apply to the operation and maintenance of public water supply facilities and the safety, quality, quantity, and characteristics of water for consumption.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov

Address questions concerning this regulatory agenda to:

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- G) Related rulemakings and other pertinent information: A pending rulemaking before the Board, R 2018-017, may affect the proposed amendments to Subtitle F.
- i) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket number R19-7
- 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 docket number R19-7 to accommodate any amendments to the SDWA National Primary Drinking Water Standards (NPDWRs), 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2018 through June 30, 2018. The Board is presently not aware of any federal action during this update period that affected the federal definition of VOM.
- In coming weeks, by about mid-August 2018, the Board will verify the existence of any federal actions that affect the federal NPDWRs and determine any action required in response. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R19-7, as necessary and appropriate.
- 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. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2018, the due date for Board adoption of amendments in docket R19-7 would be January 1, 2019.
- 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

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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. The Board expects to verify any federal actions by mid-August 2018, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2019, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* before late-September 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 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, noting docket number R19-7, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R19-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
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: 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.

j) Parts (Heading and Code Citation)

Outline of Waste Disposal Regulations (35 Ill. Adm. Code 700)
RCRA And UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Wastestream Authorizations (35 Ill. Adm. Code 709)
Fees (35 Ill. Adm. Code 718)
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 736)
Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit (35 Ill. Adm. Code 727)

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Land Disposal Restrictions (35 Ill. Adm. Code 728)
Prohibited Hazardous Wastes In Land Disposal Units (35 Ill. Adm. Code 729)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Underground Storage Tanks (35 Ill. Adm. Code 731)
Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, Through June 23, 2002) (35 Ill. Adm. Code 732)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Petroleum Underground Storage Tanks (Releases Reported On Or After June 24, 2002) (35 Ill. Adm. Code 734)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for The Management of Used Oil (35 Ill. Adm. Code 739)
Site Remediation Program (35 Ill. Adm. Code 740)
Proportionate Share Liability (35 Ill. Adm. Code 741)
Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)
Prior Conduct Certification (35 Ill. Adm. Code 745)
Illinois Hazardous Substances Pollution Contingency Plan (35 Ill. Adm. Code 750)
Solid Waste (35 Ill. Adm. Code 807)
Special Waste Classifications (35 Ill. Adm. Code 808)
Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)
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)
Alternative Standards for Coal Combustion Power Generating Facilities Waste Landfills (35 Ill. Adm. Code 816)
Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill. Adm. Code 817)
Standards for Compost Facilities (35 Ill. Adm. Code 830)
Information to Be Submitted in A Compost Facility Permit Application (35 Ill. Adm. Code 831)
Procedural Requirements for Permitting Compost Facilities (35 Ill. Adm. Code 832)
Site-Specific Closures of Coal Combustion Waste Surface Impoundments (35 Ill. Adm. Code 840)
Management of Used and Waste Tires (35 Ill. Adm. Code 848)
Management of Scrap Tires (35 Ill. Adm. Code 849)

1) Rulemaking: Docket Number R18-27

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- A) Description: The Illinois Environmental Protection Agency (IEPA) filed a proposal on January 10, 2018 to update the Board's rules. The IEPA's filing was prompted by Executive Order 2016-13, which requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Board accepted IEPA's proposal in Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution, docket R18-21, on February 8, 2018. To avoid duplication with the Board's review of its rules, the Board opened eight additional rulemaking dockets—each one limited to a subtitle of the Board's rules—on March 22, 2018.

In this rulemaking, the Board will consider amendments to its waste disposal regulations, within Subtitle G of the Illinois Administrative Code's Title 35, that are not identical in substance to U.S. Environmental Protection Agency regulations. IEPA proposes amendments to four Parts in the Subtitle (Parts 722, 711, 813, and 855) that it believes addresses provisions that are obsolete, duplicative, or otherwise unnecessary.

The Board expects to adopt proposed amendments that incorporate the IEPA's proposal for public comment, without submitting it to the *Illinois Register* for first notice publication, in Summer/Fall of 2018. The Board intends to propose amendments that remove legalese and redundant and superfluous language, as well as reorganize provisions for clarity when appropriate.

- B) Statutory Authority: Implementing Sections 5, 7.2, 10, 13, 21, 21.1, 22, 22.01, 22.2, 22.4–22.7, 22.9, 22.12, 22.13(d), 22.17, 22.26, 22.33–22.35, 22.39, 22.40, 28.1, 39, 40, 55.2, 57.19, 58–58.9, and 58.10–58.15, and Title XVI and Title XVII of the Illinois Environmental Protection Act (415 ILCS 5/5, 7.2, 10, 13, 21, 21.1, 22, 22.01, 22.2, 22.4–22.7, 22.9, 22.12, 22.13(d), 22.17, 22.26, 22.33–22.35, 22.39, 22.40, 28.1, 39, 40, 55.2, 57.19, 58–58.9, and 58.10–58.15, and Title XVI and Title XVII) and Section 8 of the Illinois Groundwater Protection Act (415 ILCS 55/8).

Authorized by Sections 5, 22, 22.6, 22.7, 27, 28, 57.14A, 58.5–58.7, 58.9(d), 58.11, 58.14, and 58.15 of the Illinois Environmental Protection Act (415 ILCS 5/5, 22, 22.6, 22.7, 27, 28, 57.14A, 58.5–58.7, 58.9(d), 58.11, 58.14, and 58.15) and Section 8 of the Illinois Groundwater Protection Act (415 ILCS 55/8).

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- C) Scheduled meeting/hearing dates: The Board intends to hold at least two hearings during the public comment period by videoconference in Chicago and Springfield.
- D) Date agency anticipates first notice: The Board expects to consider this rulemaking for first notice publication in the *Illinois Register* in the Winter of 2018-2019.
- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking may have an effect any small business, small municipality, or not-for-profit in Illinois that dispose of waste.
- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Martín Klein
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-3665
Martin.E.Klein@Illinois.Gov

And

Tim Fox
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-3665
Tim.Fox@Illinois.Gov

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- G) Related rulemakings and other pertinent information: On May 24, 2018, the Board proposed amendments to several Parts in 35 Ill. Adm. Code Subtitle G in an identical in substance rulemaking. The proposed amendments can be found in RCRA Subtitle D Update (July 1, 2016 through December 31, 2016) (Docket No. R17-14), RCRA Subtitle C Update (July 1, 2016 through December 31, 2016) (Docket No. R17-15), RCRA Subtitle C Update (January 1, 2016 through June 30, 2017) (Docket No. R18-12), UIC Update: Miscellaneous Non-Substantive Revisions and Corrections to 35 Ill. Adm. Code 704, 705, 730, and 738 (Docket No. R18-31) (consolidated) (May 24, 2018).

For information regarding the Agency's development of this proposal, please contact:

Gabriel H. Neibergall
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Gabriel.Neibergall@Illinois.Gov

- 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: Presently reserved docket number R19-1

- 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 docket number R19-1 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2018 through June 30, 2018. The Board is

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presently not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and determine the Board action required in response to each in coming weeks, by about mid-August 2018. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R19-1, as necessary and appropriate.

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. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2018, the due date for Board adoption of amendments in docket R19-1 would be January 1, 2019.

- 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.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2018, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2019, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late September 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit

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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 docket number R19-1, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R19-1, 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: The pending consolidated RCRA Subtitle D and RCRA Subtitle C update for the periods and July 1, 2016 through December 31, 2016 and UIC corrections docket (R17-14/R17-15/R18-12/R18-31) affects 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 705, and 720. The reserved RCRA Subtitle C update docket for the period January 1, 2018 through June 30, 2018 (R19-2) (see item (I) below), and other, as yet unknown, unrelated Board proceedings may affect 35 Ill. Adm. Code 702, 705, or 720. 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 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. 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

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

l) 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 R19-2

- 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 docket number R19-2 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, 2018 through June 30, 2018. The Board is presently aware of two federal action during this update period that affected the federal RCRA Subtitle C hazardous waste regulations:

January 3, 2018 (83 Fed. Reg. 420): USEPA modified the hazardous waste manifest requirements and adopted rules

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instituting user fees for use of the Electronic Hazardous Waste Manifest System. The Board must incorporate the revisions to the manifest requirements that are federally authorizable into the Illinois rules. The Board will need to ignore segments of the user fees provisions that are not federally authorizable because USEPA will directly implement them.

May 30, 2018 (83 Fed. Reg. 24664): USEPA revised the Definition of Solid Waste Rule in response to a judicial vacatur. The Board must make corresponding changes in the Illinois rules to avoid them continuing to be more stringent than the federal DSWR.

The Board will verify the existence of any federal actions that affect the RCRA Subtitle C regulations and determine the Board action required in response to each in coming weeks, by about mid-August 2018. The Board will then propose corresponding amendments to the Illinois federal RCRA Subtitle C-derived hazardous waste regulations using the identical-in-substance procedure or dismiss docket R19-2, 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. Since the earliest USEPA action that requires Board action occurred on January 3, 2018, the due date for Board adoption of amendments in docket R19-2 is January 3, 2019.

- 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. The Board expects to verify any federal actions by mid-August 2018, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that

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are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is January 3, 2019, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register before early September 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. It would also allow 30 days from the date of a Board vote to adopt amendments for USEPA to review the amendments before they are filed with the Office of the Secretary of State.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R19-2, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R19-2, 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: The pending consolidated RCRA Subtitle D and RCRA Subtitle C update for the periods and July 1, 2016 through December 31, 2016 and UIC corrections docket (R17-14/R17-15/R18-12/R18-31) affects 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 733, 738, and 739. The reserved UIC update docket for the period January 1, 2018 through June

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30, 2018 (R19-7) (see item (k) above) and other, as yet unknown, unrelated Board proceedings may affect any of 35 Ill. Adm. Code 702, 705, and 720. will affect 35 Ill. Adm. Code. 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 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 R19-3

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 docket number R19-3 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2018 through June 30, 2018. The Board is presently not aware of any federal amendments to the federal UST regulations that occurred during this update period. The Board will verify the existence of any federal actions and determine the Board action required in response to each in coming weeks, by about mid-August 2018. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R19-3, as necessary and appropriate.

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

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the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2018, the due date for Board adoption of amendments in docket R19-3 is January 1, 2019.

- 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 cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2018, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket were assumed to be January 1, 2019, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register before late September 2018. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board will promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a UST.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R19-3, as follows:

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

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Address questions concerning this regulatory agenda, noting docket number R19-3, 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 731 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 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)

Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)

Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R19-1

- 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

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Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R19-1 to accommodate any amendments to the RCRA Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may make in the period January 1, 2018 through June 30, 2018. The Board is presently not aware of any federal action during this update period that affected the federal RCRA Subtitle D Municipal Solid Waste Landfill regulations. The Board will verify the existence of any federal actions and determine the Board action required in response to each in coming weeks, by about mid-August 2018. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R19-1, as necessary and appropriate.

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. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, January 1, 2018, the due date for Board adoption of amendments in docket R19-1 would be January 1, 2019.

- 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 cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2018, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is January 1, 2019, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late September 2018. This would be sufficiently in advance of the due date to allow the

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Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R19-1, as follows:

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

Address questions concerning this regulatory agenda, noting docket number R19-1, 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: The pending consolidated RCRA Subtitle D and RCRA Subtitle C update for the periods and July 1, 2016 through December 31, 2016 and UIC corrections docket (R17-14/R17-15/R18-12/R18-31) affects 35 Ill. Adm. Code 35 Ill. Adm. Code 810, 811, and 812. No other rulemaking that would affect any of 35 Ill. Adm. Code 807 and 810 through 815 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 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

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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 Citations):

Radiation Hazards (35 Ill. Adm. Code 1000)
Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants (35 Ill. Adm. Code 1010)

1) Rulemaking: Docket R18-28

- A) Description: On January 10, 2018, the Illinois Environmental Protection Agency filed a rulemaking proposal to update various subtitles of the Board's rules. The Agency stated that it reviewed Board rules to identify provisions to revise or repeal in response to the Governor's Executive Order 2016-13. The Executive Order requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Agency proposes amendments to Part 1000, which the Agency considers to be non-substantive. Independent of the Agency's proposal, the Board reviews its Subtitle I Atomic Radiation and intends to propose additional amendments that remove obsolete, repetitive, confusing, or otherwise unnecessary rule language through all Parts of Subtitle I.
- B) Statutory Authority: Implementing and authorized by Sections 13 and 27 of the Environmental Protection Act [415 ILCS 5/13 & 27].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking is not expected to affect any small business, small municipality, or not for profit corporations because the proposed

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amendments are non-substantive. The Board expects to propose only non-substantive changes.

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

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov

Address questions concerning this regulatory agenda to:

Tetyana Rabczak
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601
(312) 814-6931
tetyana.rabczak@illinois.gov

And

Jason James
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601
(312) 814-6931
jason.james@illinois.gov

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

- p) Parts (Heading and Code Citation)

General Provisions (35 Ill. Adm. Code 1420)
Activity Standards (35 Ill. Adm. Code 1421)
Design and Operation of Facilities (35 Ill. Adm. Code 1422)

- 1) Rulemaking: Docket Number R18-29

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- A) Description: The Illinois Environmental Protection Agency (IEPA) filed a proposal on January 10, 2018 to update the Board's rules. The IEPA's filing was prompted by Executive Order 2016-13, which requires each State agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. IEPA's proposal would amend regulations that it believes are obsolete, duplicative, or otherwise unnecessary. The Board accepted IEPA's proposal in Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution, docket R18-21, on February 8, 2018. To avoid duplication with the Board's review of its rules, the Board opened eight additional rulemaking dockets—each one limited to a subtitle of the Board's rules—on March 22, 2018. Among the eight dockets opened by the Board were dockets for Subtitles M and O, for which IEPA proposed no amendments.

In this rulemaking, the Board considers amendments to its potentially infectious medical waste (PIMW) regulations, within Subtitle M of the Illinois Administrative Code's Title 35. The PIMW rules regulate the treatment, packaging, labeling, storage, transportation, and disposal of this type of waste, and apply to generators, transporters, and receiving facilities of this waste.

The Board adopted proposed amendments for public comment, without submitting it to the *Illinois Register* for first notice publication, on May 10, 2018. The proposed amendments remove legalese and redundant and superfluous language, as well as reorganize some provisions for clarity. In addition, four deletions are proposed for obsolete or unnecessary provisions. The amendments also make additions consistent with amendments to the Act, and change citations and statutory language to comply with the style requirements of the Illinois Administrative Code.

- B) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 & 27].
- C) Scheduled meeting/hearing dates: The Board intends to hold at least two hearings during the public comment period by videoconference in Chicago and Springfield.

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- D) Date agency anticipates first notice: The Board expects to consider this rulemaking for first notice publication in the *Illinois Register* in the Summer of 2018.
- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking may have an effect any small business, small municipality, or not-for-profit corporation that engages in the treatment, packaging, labeling, storage, transportation, and disposal of PIMW.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

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

Address questions concerning this regulatory agenda to:

Martín Klein
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago, Illinois 60601
312-814-3665
Martin.E.Klein@Illinois.Gov

- G) Related rulemakings and other pertinent information: None.
- q) Part (Heading and Code Citation): Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notice of Threats from Contamination (35 Ill. Adm. Code 1600)
- 1) Rulemaking: Docket number R18-30
- A) Description: On January 10, 2018, the Illinois Environmental Protection Agency filed a rulemaking proposal to update various subtitles of the Board's rules. The Agency stated that it reviewed Board rules to identify provisions to revise or repeal in response to the Governor's Executive Order 2016-13. The Executive Order requires each State agency under the

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jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing, unnecessary, or harmful to the economy. The Agency considers its proposed amendments to be non-substantive. Independent of the Agency's proposal, the Board reviewed its Subtitle O right to know regulations (35 Ill. Adm. Code 1600) to propose amendments that remove obsolete, repetitive, confusing, or otherwise unnecessary rule language as the Agency proposed no such amendments to Part 1600 of the Board's Rules.

- B) Statutory Authority: Implementing and authorized by Sections 25d-3(c), 25d-7(a), and 27 of the Environmental Protection Act [415 ILCS 5/25d-3(c), 25d-7(a), & 27].
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Rules will be published in the *Illinois Register* within the next twelve months.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking is not expected to affect any small business, small municipality, or not for profit corporations because the proposed amendments are non-substantive. The Board expects to propose non-substantive changes so that the rule continues to apply to soil and groundwater contamination threatening potable water supply wells and the response action required in handling these threats
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov

Address questions concerning this regulatory agenda to:

Natalie Winquist
Pollution Control Board

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100 W. Randolph St.
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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect the proposed amendments to Subtitle O is now planned.