

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:** )  
 )  
**AMENDMENTS TO 35 ILL. ADM. CODE** ) **R18-28**  
**SUBTITLE I: ATOMIC RADIATION** ) **(Rulemaking – Atomic Radiation)**

**NOTICE**

TO:

**Tim Fox, Hearing Officer**  
**Illinois Pollution Control Board**  
**State of Illinois Center**  
**100 West Randolph, Suite 11-500**  
**Chicago, Illinois 60601**  
**(VIA electronic service)**

**Division Chief of Environmental Enforcement**  
**Attorney General's Office**  
**James R. Thompson Center**  
**100 West Randolph, 12th Floor**  
**Chicago, Illinois 60601**  
**(VIA electronic service)**

**Office of the General Counsel**  
**Renee Snow**  
**Illinois Dept. of Natural Resources**  
**1 Natural Resources Way**  
**Springfield, Illinois 62702**  
**(VIA electronic service)**

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board the Illinois EPA's RESPONSES TO QUESTIONS POSED BY ILLINOIS POLLUTION CONTROL BOARD, a copy of which is herewith served upon you.

Dated: January 27, 2020

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

By: /s/ Charles E. Matoesian  
Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel  
[Charles.Matoesian@illinois.gov](mailto:Charles.Matoesian@illinois.gov)

P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

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AMENDMENTS TO 35 ILL. ADM. CODE ) **R18-28**  
SUBTITLE I: ATOMIC RADIATION ) **(Rulemaking – Atomic Radiation)**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S RESPONSES TO  
QUESTIONS POSED BY ILLINOIS POLLUTION CONTROL BOARD**

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA" or “Agency”), by its attorney, Charles E. Matoesian, files this response to the questions of the Illinois Pollution Control Board’s (“Board”) attached to the Board’s Order of December 19, 2019.

**1. Does IEPA consider it appropriate to add an incorporation by reference section to 35 Ill. Adm. Code Part 1000?**

Adding an incorporation by reference section would be consistent with many other Board regulations. The Agency would simply note that this rule has not been updated for over thirty years; it is unclear what “versions” of the incorporated documents should be identified and whether updating the incorporation by reference date will have any substantive impact on the rule provisions.<sup>1</sup>

**2. Should the required modes of communication in 35 Ill. Adm. Code Section 1000.502 be updated and, if so, how?**

Yes, the forms listed should be amended to exclude telegraph, as obsolete. The Agency recommends the following updates:

All person subject to this Part shall immediately notify by telephone and by either first class mail telegraph, mailgram, or facsimile, the Manager of the Office of Nuclear Facility Safety of the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704 . . .

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<sup>1</sup> 35 Ill. Adm. Code Part 1000 was adopted pursuant to a proposal by the Illinois Department of Nuclear Safety, now Part of the Illinois Emergency Management Agency (“IEMA”). See, R82-2: *In the Matter of: Title 35: Environmental Protection Subtitle I: Atomic Radiation Chapter I: Pollution Control Board Part 1000: Radiation Hazards*. The Board may wish to consult IEMA about this and any additional questions that may arise.

The Illinois Department of Nuclear Safety has been reorganized and is now part of the IEMA. As such, IEMA's new address will also need to be substituted. The Board may wish to reach out to IEMA regarding its preferred method of notification and the appropriate contacts.

**3. Is the contact information in 35 Ill. Adm. Code Section 1000.502 accurate? If not, how should it be revised?**

The address for IEMA is:

Illinois Emergency Management Agency  
2200 South Dirksen Parkway  
Springfield, Illinois 62703

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY**

By:           /s/ Charles E. Matoesian            
Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel  
[Charles.Matoesian@illinois.gov](mailto:Charles.Matoesian@illinois.gov)

DATED: January 27, 2020

1021 N. Grand Ave. East  
P.O. Box 19276  
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**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, affirm that I have served the attached ILLINOIS EPA's RESPONSES TO QUESTIONS POSED BY ILLINOIS POLLUTION CONTROL BOARD, upon the following person(s) by e-mailing it to the e-mail address(es) indicated below:

TO:

**Tim Fox, Hearing Officer**  
**Illinois Pollution Control Board**  
**State of Illinois Center**  
**100 West Randolph, Suite 11-500**  
**Chicago, Illinois 60601**  
[Tim.Fox@Illinois.Gov](mailto:Tim.Fox@Illinois.Gov)

**Division Chief of Environmental Enforcement**  
**Attorney General's Office**  
**James R. Thompson Center**  
**100 West Randolph, 12th Floor**  
**Chicago, Illinois 60601**  
[enviro@atg.state.il.us](mailto:enviro@atg.state.il.us)

**Office of the General Counsel**  
**Renee Snow**  
**Illinois Dept. of Natural Resources**  
**1 Natural Resources Way**  
**Springfield, Illinois 62702**  
[Renee.Snow@illinois.gov](mailto:Renee.Snow@illinois.gov)

I affirm that my e-mail address is [charles.matoesian@illinois.gov](mailto:charles.matoesian@illinois.gov); the number of pages in the e-mail transmission is 5; and the e-mail transmission took place today before 5:00 p.m. If you prefer service by mail, please contact me and a copy will be mailed to you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Charles E. Matoesian  
Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel  
[Charles.Matoesian@illinois.gov](mailto:Charles.Matoesian@illinois.gov)

DATED: January 27, 2020  
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