

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JANUARY 2002 REGULATORY AGENDA

a) Parts (Headings and Code Citations):

ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS (2 Ill. Adm. Code 2175)

1) Rulemaking: No docket number presently assigned.

A) Description:

2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's offices, including their addresses and telephone numbers. The Board has changed the location of some of the satellite offices and needs to Board amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.

B) Statutory authority:

Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].

C) Scheduled meeting/hearing dates:

Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice:

The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Spring or Summer of 2002.

E) Effect on small business, small municipalities, or not-for-profit corporation:

There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including

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to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-anticipated proceedings would affect the text of Part 2175.

b) Part (Heading and Code Citation):

PERMITS AND GENERAL PROVISIONS (35 Ill. Adm. Code 201)

1) Rulemaking: R02-10.

A) Description:

The Illinois Environmental Protection Agency (IEPA) has filed a rulemaking proposal before the Board relating to the permitting of

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emission units that change locations at least once a year. This rulemaking addresses the procedures for the transfer of Federally Enforceable State Operating Permits (FESOPs) to new owners following a change of ownership of a permitted source. The proposed amendments address the permitting of emission units that may emit pollutants at multiple sites.

B) Statutory authority:

Implementing and authorized by Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 & 27].

C) Scheduled meeting/hearing dates:

Hearings will be held in Spring 2002 in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Board anticipates moving this proposal to first notice after public hearings have been held.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a portable emission unit.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board

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600 S. Second St., Suite 402
Springfield, Illinois 62704

Telephone: 217-782-2471

Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other known proceeding would impact the provisions of Part 201.

For information regarding the IEPA's development of its proposal, please contact the following IEPA attorney:

Name: Rachel Doctors

Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Telephone: 217-782-5544

c) Part(s) (Heading and Code Citation): EMISSIONS REDUCTION MARKET SYSTEM
35 Ill. Adm. Code 205

1) Rulemaking: No docket presently reserved.

A) Description:

The proposed rule would modify the applicability provisions and clarify other related provisions.

B) Statutory Authority:

Authorized by Section 9.8 of the Environmental Protection Act [415 ILCS 5/9.8].

C) Scheduled meeting/hearings dates: .

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2002. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by

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Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: .

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2002. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit corporations:

Any small businesses, small municipalities, or not-for-profit corporations that are subject to the Emissions Reduction Market System would be subject to the modified applicability provisions.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information: None

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For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Name: Gina Roccaforte
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-5544

d) Parts (Headings and Code Citations):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
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)

1) Rulemaking: No docket presently reserved.

A) Description:

The IEPA is currently developing amendments for proposal to the Board to accomplish several goals in a single cleanup rulemaking. This includes the following amendments to the Illinois ozone rules: (1) the rulemaking may amend existing air pollution control rules for lithographic printing operations to clean up the existing language to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and with recent revisions to these rules; (2) the rulemaking may include amendments to existing rules for volatile organic liquid storage tanks; (3) the rulemaking may include a rule to amend existing rules for perchlorethylene dry cleaners, since perchloroethylene was delisted as a volatile organic material by the United States Environmental Protection Agency (USEPA); (4) the rulemaking may amend existing rules for capture efficiency testing in order to make state rules consistent with USEPA's final rule on the revised capture efficiency test methods; (5) the rulemaking may correct minor or nonsubstantive errors amending rules for incorporations by reference, batch operations, and afterburner operation, air oxidation reactors and vapor collection and control systems; and (6) the rulemaking may also amend Part 211 to conform any possible conflicting provisions with the changes made to 35 Ill. Adm. Code 218 and 219.

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B) Statutory authority:

Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].

C) Scheduled meeting/hearing dates:

The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the Spring or Summer of 2002. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 of the Environmental Protection Act [415 ILCS 5/27 or 28.5] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2002. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation:

This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean-up of existing requirements.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Board docket R02-15 (see item (e) below) could affect the text of Part 211. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Name: Rachel Doctors
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-5544

e) Part (Heading and Code Citation):

DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R02-15

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)

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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 R02-15 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2001 through December 31, 2001. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2002. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R02-15, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted its 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 July 1, 2001, the due date for Board adoption would be July 1, 2002.

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. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) 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. The Board expects to verify any federal actions by mid-February 2002, 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 assumed to be July 1, 2002, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-March 2002. 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 would 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 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 R02-15, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-15, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Other prospective proceedings (see item (d) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 211.

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.

e)

f) Part(s) Heading(s) and Code Citation(s):

Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators (35 Ill. Adm. Code 230)

1) Rulemaking: No docket presently reserved.

A) Description:

On December 1, 2000, pursuant to Sections 111(d) and 129 of the Clean Air Act, the US EPA promulgated emission guidelines for commercial and industrial solid waste incinerators as well as air curtain incinerators (65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to units that commenced construction on or before November 29, 1999, and units where reconstruction or modification commenced prior to June 1, 2001.

B) Statutory Authority:

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Implementing Sections 10, 39 and 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 39 and 39.5] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

A Spring or Summer of 2002 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations:

The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate Existing Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators.

F) Agency and Board contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

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G) Related rulemakings and other pertinent information:

No other presently-known proceedings would potentially impact the general provisions of Part 230.

For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Name: Rachel L. Doctors
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 524-3337
Internet: epa8856@epa.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceedings would potentially impact this rulemaking.

g) Part (Heading and Code Citation):

TOXIC AIR CONTAMINANTS (35 Ill. Adm. Code 232)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board that would incorporate requirements for lead-based paint removal into the Illinois air pollution control regulations.

B) Statutory authority:

Implementing and authorized by Sections 9.5, 10 and 27 of the Environmental Protection Act [415 ILCS 5/9.5, 10 & 27].

C) Scheduled meetings/hearing dates:

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The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Spring or Summer of 2002. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Spring or Summer of 2002. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

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 engages in the removal of lead-based paint.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

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No other presently-known proceedings would potentially impact the general provisions of Part 232.

For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Name: Deborah J. Williams
Address: Illinois Environmental Protection Agency
Environmental Policy
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Phone: 217-782-5544

h) Part (Heading and Code Citation):

INTRODUCTION (35 Ill. Adm. Code 301)

1) Rulemaking: R02-11

A) Description:

These proposed amendments are part of a proceeding entitled, In the Matter of: Water Quality Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h) and Proposed 301.267, 301.313, 301.413, 304.120(g), and 309.157. Other related amendments are proposed in Parts 302, 303, and 309, and are contained in separate notices pertaining to those Parts. This rulemaking defines terms, Conversion Factor, Metals Translator, and Total Metal, to be used by the Illinois Environmental Protection Agency in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.

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 date:

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Hearings have been scheduled for January 29 and March 6, 2002 and will be held in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Board will proceed to first notice with this rulemaking after hearings have concluded.

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 particular contaminants into waters of the State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information: Parts 302, 303, 304 and 309 are included in this docket.

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

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Name: Toby Frevert
Address: Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il. 62794-9276
Telephone: 217-782-1654

i) Part (Heading and Code Citation):

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

1) Rulemaking: R02-11

A) Description:

These proposed amendments is part of a proceeding entitled, In the Matter of: Water Quality Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h)(3)and Proposed 301.267, 301.313, 301.413, 304.120(g), and 309.157. Other related amendments are proposed in Parts 301, 303, and 309, and are contained in separate notices pertaining to those Parts. These amendments revise and add numeric water quality standards for the protection of aquatic organisms and human health applicable to general use waters and the Lake Michigan Basin. The amended water quality standards will be used by the Illinois Environmental Protection Agency in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.

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:

Hearings have been scheduled for January 29 and March 6, 2002 and will be held in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

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D) Date agency anticipates First Notice:

The Board will proceed to first notice with this rulemaking after hearings have concluded.

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 waters of this State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conley@ipcb.state.il.us

G) Related rulemaking and other pertinent information: Parts 301, 303, 304 and 309 are included in this docket. Additionally, Part 302 is included in docket R02-19 (see item j below).

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

Name: Toby Frevert
Address: Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276

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Springfield, Il. 62794-9276
Telephone: 217-782-1654

j) Part (Heading and Code Citation):

WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

1) Rulemaking: R02-19

A) Description:

These proposed amendments are part of a proposal filed before the Board by the Illinois Association of Wastewater Agencies (IAWA). In its statement of reasons, IAWA explains that this proposal to amend the Board's ammonia regulations is based on changes to the United States Environmental Protection Agency's (USEPA) National Criteria Document (NCD) for ammonia. The proposed amendments propose changes to both the acute and chronic general use water quality standards for un-ionized ammonia, as well as the addition of calculations for sub-chronic ammonia. Additionally, IAWA's proposal seeks to repeal portions of the rules related to Effluent Modified Waters in Part 302 and 304.

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:

Hearings have been scheduled for March 25 and April 23, 2002 and will be held in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Board may proceed to first notice with this rulemaking after hearings have concluded.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

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This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the waters of this State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information: R02-19 also amends Part 304. Additionally, Part 302 is included in docket R02-11 (see item i above).

k) Part (Heading and Code Citation):

WATER USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS (35 Ill. Adm. Code 303)

1) Rulemaking: R02-11.

A) Description:

These proposed amendments are part of a proceeding entitled, In the Matter of: Water Quality Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h)(3), and Proposed 301.267, 301.313, 301.413, 304.120(g), and 309.157. Other related amendments are proposed in Parts 301, 302, and 309, and are contained in separate notices pertaining to those Parts. These amendments repeal the chronic cyanide standard of 10 µg/L applicable to Salt Creek, Higgins

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Creek, West Branch of the DuPage River, Des Plaines River. Instead, the general use chronic water quality standard for cyanide contained in Section 302.208 will apply.

B) Statutory authority:

Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Schedule meeting/hearing date:

Hearings have been scheduled for January 29 and March 6, 2002 and will be held in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Board will proceed to first notice with this rulemaking after hearings have concluded.

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 Salt Creek, Higgins Creek, West Branch of the DuPage River, or Des Plaines River.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board

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600 S. Second St., Suite 402
Springfield, Illinois 62704

Telephone: 217-782-2471

Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: Parts 301, 302, 304 and 309 are included in this docket.

No other presently known Board proceedings would potentially impact the general provisions of Part 303.

For information regarding the IEPA's development of this proposal, please contact the following person:

Name: Toby Frevert

Address: Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276

Telephone: 217-782-1654

- l) Part (Heading and Code Citation):

EFFLUENT STANDARDS (35 Ill. Adm. Code 304)

- 1) Rulemaking: R02-11

- A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to deoxygenating wastes. This rule would replace the five-day biochemical oxygen demand (BOD₅) effluent standard with the carbonaceous biochemical oxygen demand (CBOD₅) standard.

- B) Statutory Authority:

Implementing and authorized by Sections 13 and 27 of the Environmental Protection Act [415 ILCS 5/13 & 27].

- C) Schedule meeting/hearing date:

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Hearings have been scheduled for January 29 and March 6, 2002 and will be held in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Board will proceed to first notice with this rulemaking after hearings have concluded.

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 wastewater into the waters of this State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

Related rulemaking and other pertinent information: Parts 301, 302, 303 and 309 are included in this docket. Additionally, Part 304 is included in docket R02-19 (see item m below).

For information on the Agency's development of this proposal contact:

Name: Tom McSwiggin
Address: Bureau of Water

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Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield Illinois 62794-9276
Telephone (217) 782-0610

m) Part (Heading and Code Citation):

EFFLUENT STANDARDS (35 Ill. Adm. Code 304)

1) Rulemaking: R02-19

A) Description:

These proposed amendments are part of a proposal filed before the Board by the Illinois Association of Wastewater Agencies (IAWA). In its statement of reasons, IAWA explains that the proposed amendments to Part 304 strike references to Effluent Modified Waters.

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:

Hearings have been scheduled for March 25 and April 23, 2002 and will be held in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

The Board may proceed to first notice with this rulemaking after hearings have concluded.

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 waters of this State.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information: R02-19 also proposes to amend Part 302. Additionally, Part 304 is included in docket R02-11 (see item I above).

n) Parts (Headings and Code Citations):

SEWER DISCHARGE CRITERIA (35 Ill. Adm. Code 307)
PRETREATMENT PROGRAMS (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R02-14

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 R02-14 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, 2001 through December 31, 2001. At this time, the Board is aware that USEPA

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undertook one action that affected the text of 40 CFR 400 through 499 and its implementation. This action is described as follows:

66 Fed. Reg. 50339 (October 3, 2001)	USEPA approved Project XL agreements involving five publicly owned treatment works, including the Metropolitan Water Reclamation District of Greater Chicago and amended the core wastewater pretreatment requirements to allow the states to implement these and future similar agreements.
---	--

The Board has already taken action on the listed federal action under a separate docket number, R02-9, for which a Notice of Proposed Amendments appeared in the November 30, 2001 issue of the *Illinois Register*, at 25 Ill. Reg. 15365. At present, we are unaware of any further federal actions in the time-frame of docket R02-14 that affect the text of 40 CFR 400 through 499 in a way that will require further Board attention to initiate amendments to the Illinois wastewater pretreatment regulations. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2002. The Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure.

Section 9.1(e) of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is October 3, 2001, the due date for Board adoption of all amendments in the period would be October 3, 2002.

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 are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

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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-February 2002, 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 October 3, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-June 2002. 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 pretreatment 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 R02-14, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-14, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

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G) Related rulemakings and other pertinent information:

No other presently-known proceeding would affect provisions of Parts 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.

o) Parts (Headings and Code Citations):

PERMITS (35 Ill. Adm. Code 309)

1) Rulemaking: R02-11.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the standards and procedures for the IEPA to use in setting effluent limits by permit that are necessary to ensure compliance with water quality standards for individual dischargers that are derived under 35 Ill. Adm. Code 304.105.

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:

Hearings have been scheduled for January 29 and March 6, 2002 and will be held in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

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D) Date agency anticipates First Notice:

The Board will proceed to first notice with this rulemaking after hearings have concluded.

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 wastewater into the waters of this State.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information: Parts 301,302, 303, and 304 are included in this docket.

Another prospective proceeding (see item (p) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309.

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

Name: Toby Frevert
Address: Bureau of Water
Illinois Environmental Protection Agency

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

Telephone: 217-782-1654

p) Part (Heading and Code Citation):

PERMITS (35 Ill. Adm. Code 309)

1) Rulemaking: No docket presently reserved

A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the criteria to be used by the IEPA in determining mixing zones necessary to ensure compliance with water quality standards for individual dischargers under 35 Ill. Adm. Code 302.102.

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 IEPA presently anticipates that it will file a rulemaking proposal in Spring or Summer of 2002. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in Spring or Summer of 2002. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

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- 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 wastewater into the waters of this State.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information:

Another prospective proceeding (see item n above) could potentially impact the general provisions of Part 309.

For information regarding the IEPA's development of this proposal, please contact the following person:

Name: Toby Frevert
Address: Bureau of Water
Illinois Environmental Protection Agency
1021 Grand Ave. East
Springfield, Il. 62794-9276
Telephone: 217-782-1654

- q) Part (Heading and Code Citation):

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STANDARDS FOR SLUDGE MANAGEMENT (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved

A) Description:

The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge that is applied to land.

B) Statutory authority:

Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

C) Schedule meeting/hearing date:

The IEPA presently anticipates that it will file a rulemaking proposal during the Spring or Summer of 2002. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the Spring or Summer of 2002. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

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 generates or uses sewage sludge.

F) Agency contact person for information:

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Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conley@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The IEPA anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Name: Lisa Moreno
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Name: Alan Keller, P.E.
Manager, Northern Municipal Unit
Address: Illinois Environmental Protection Agency

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Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Telephone: 217-782-0810

r) Parts (Headings and Code Citations):

GENERAL PROVISIONS (35 Ill. Adm. Code 501)

PERMITS (35 Ill. Adm. Code 502)

OTHER AGRICULTURAL AND SILVICULTURAL ACTIVITIES (35 Ill. Adm. Code 503)

IMPLEMENTATION PROGRAM (35 Ill. Adm. Code 504)

1) Rulemaking: Docket number R98-11

A) Description:

The Board opened this rulemaking docket R98-11 on September 4, 1997, to identify and reconcile any inconsistencies between the LMFA-related regulations of Part 506 and the pre-existing agricultural-related pollution regulations of Parts 501 through 504.

Since the opening of docket R98-11, however, Public Acts 90-565 and 91-110, effective July 13, 1999, again amended the LMFA. The Board opened docket R98-26 to amend the LMFA-related rules to conform with the subsequent statutory amendments. The Board entered an order on January 22, 1998 staying the R98-11 rulemaking proceeding until the conforming amendments of docket R98-26 are completed. It is unlikely that the Board will proceed with this docket since P.A. 91-110 delegated a majority of the regulations to the Department of Agriculture. However, the Board will wait to act on this docket until reviewing the Department's final rules and the corresponding proposal to 35 Ill. Adm. Code 506.

B) Statutory authority:

Implementing and authorized by Sections 9, 13, 22, and 27 of the Environmental Protection Act [415 ILCS 5/9, 13, 22 & 27].

C) Scheduled meeting/hearing dates:

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No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

Any action on this docket will occur in the Spring or Summer of 2002.

E) Effect on small business, small municipalities, or not-for-profit corporations:

These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or an associated waste handling structure.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Name: Carol Sudman, Attorney
Address: Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704
Telephone: 217-524-8509.
Internet: csudman@ipcb.state.il.us

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other known proceeding would impact the provisions of Parts 501, 502, 503, or 504.

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s) Part(s) (Heading and Code Citation):

PERMITS (35 Ill. Adm. Code 602)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board to establish criteria for the design, operation, and maintenance of public water supplies, and rules to facilitate the permitting process.

B) Statutory Authority:

Implementing and authorized by Section 17 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/17 & 5/27].

C) Scheduled meeting/hearing dates:

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2002. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small businesses, small municipalities or not for profit corporations:

This rulemaking will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information:

No other known proceeding would impact the provisions of Part 602.

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

Name: Lou Allyn Byus
Assistant Manager, Field Operations Services Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-8653

t) Part (Heading and Code Citation):

PRIMARY DRINKING WATER STANDARDS (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R02-16

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A) Description:

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R02-16 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2001 through December 31, 2001. At this time, the Board is aware that USEPA undertook a single action that affected the text of 40 CFR 141 through 143. This action is described as follows:

66 Fed. Reg. 46221 (November 4, 2001)	USEPA amended the laboratory certification requirements for its January 11, 2001 List 2 unregulated contaminants monitoring requirements.
--	---

No amendments will be required by the above federal action. The unregulated contaminants monitoring requirements are not mandatory segments of a state's regulatory package submitted to USEPA for primacy approval. At present, we are unaware of any further federal actions in the time-frame of docket R02-16 that affect the text of 40 CFR 141 through 143 in a way that will require Board attention to amend the Illinois drinking water regulations. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2002. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure or dismiss docket R02-16, as necessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its 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 action in the update period, that of November 4, 2001, the due date for Board adoption would be November 4, 2002.

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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 are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public 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-February 2002, 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 is assumed to be November 4, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-July 2002. 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 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 R02-16, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board

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

Address questions concerning this regulatory agenda, noting docket number R02-16, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

Another prospective proceeding (see item (u) below) and other, as yet unknown proceedings could affect the text of Part 611.

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.

u) Parts (Headings and Code Citations):

LABORATORY ACCREDITATION RULES (35 Ill. Adm. Code 611)

1) Rulemaking: No docket presently reserved.

A) Description:

The IEPA proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the Illinois Environmental Protection Agency's (IEPA's) laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183,

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which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

B) Statutory Authority:

Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates:

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2002. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small business, small municipalities or not-for-profit corporations:

These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate 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 with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Other pertinent information concerning these amendments:

Another prospective proceeding (see item (t) above) and other, as yet unknown proceedings could affect the text of Part 611.

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

Name: Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-5544

v) Part(s) (Heading and Code Citation):

MAXIMUM SETBACK ZONES (35 Ill. Adm. Code 618)

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1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would establish general provisions for maximum setback zone regulations. This new Part would, in subpart B, prescribe maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination and new and existing activities regulated under 35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the Illinois American Water Company, Peoria, wells as delineated within the prospective regulation.

B) Statutory Authority:

Implementing and authorized by Sections 14.3 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 & 5/27].

C) Scheduled meeting/hearing dates:

In preparing the proposal, the IEPA has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a maximum setback zone regulation. No new meetings are scheduled at this time. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28].

D) Date agency anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Spring or Summer of 2002. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

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- E) Affect on Small Businesses, small municipalities or not for profit corporations:

Small businesses, small municipalities or not for profit corporations that engage in certain activities in the affected area may be affected by having constraints imposed upon new activities within the maximum zone.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information:

No other known proceeding would impact the provisions of Part 618.

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

Name: Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-8653

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w) Part(s) (Heading and Code Citation):

DISTRIBUTION SYSTEM STANDARDS (35 Ill. Adm. Code Subpart F)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Pollution Control Board (Board) to amend 35 Ill. Adm. Code Subpart F (Subtitle F) to incorporate distribution system standards including minimum water main pressure, and minimum levels of chlorine and fluoride, and other chemicals. In addition, the Illinois EPA plans to incorporate the requirements for water main and water service line separation from storm sewers, sanitary sewers, and sewer service lines.

B) Statutory Authority:

Implementing Sections 15 and 18 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/15, 18 & 27].

C) Scheduled meeting/hearing dates:

When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28].

D) Date agency anticipates First Notice:

The IEPA anticipates that proposed amendments to Subtitle F will be submitted to the Board by Spring or Summer of 2002. The Board cannot project an exact date for publication at this time. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

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- E) Affect on small business, small municipalities or not for profit corporations:

This rulemaking will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for distribution systems.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

- G) Related Rulemakings and other pertinent information:

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

Name: Stephen C. Ewart, Deputy Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
Address: 1021 North Grand Ave., East
Springfield, IL 62702

- x) Parts (Headings and Code Citations):

RCRA AND UIC PERMIT PROGRAMS (35 Ill. Adm. Code 702)

UIC PERMIT PROGRAM (35 Ill. Adm. Code 704)

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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 R02-17

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 docket number R02-17 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2001 through December 31, 2001. At this time, the Board is aware of one federal action that occurred in this time-frame. That action is described as follows:

66 Fed. Reg. 58258 (November 20, 2001)	USEPA adopted new hazardous waste listings (K176, K177, and K178) for three wastes generated from inorganic chemical manufacturing. With the new waste listings, USEPA adopted waste treatment standards and land disposal restrictions for the new wastes. This included restrictions on underground injection of these wastes.
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The Board has not yet determined whether this is the only federal action to amend the text of 40 CFR 144 through 148 in a way that will require Board attention to amend the Illinois UIC regulations. The Board will verify the existence of any federal actions and any action required in response to each in coming weeks, by about mid-February 2002. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure or dismiss docket R02-17, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the

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amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is the first day of the update period, on November 20, 2001, the due date for Board adoption of all amendments in the period would be November 20, 2002.

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. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public 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-February 2002, 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 is assumed to be November 20, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-September 2001. 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 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 R02-17, as follows:

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Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-17, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

The reserved RCRA Subtitle C update docket R02-12 (see item (y) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 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 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.

y) 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)

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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)

STANDARDS FOR THE MANAGEMENT OF USED OIL (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R02-12

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 R02-12 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, 2001 through December 31, 2001. At this time, the Board is aware of four federal actions that occurred in this time-frame. Those actions are described as follows:

66 Fed. Reg. 35087 (July 3, 2001)	USEPA adopted a direct final rule that amended its September 30, 1999 hazardous waste combustor rule. The amendments affected a segment of the standards applicable to hazardous waste treatment, storage, and disposal facilities.
66 Fed. Reg. 35379 (July 5, 2001)	USEPA published two memoranda that outline the applicability of the hazardous waste regulations to spent catalyst wastes removed from dual purpose hydroprocessing reactors at

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	petroleum refining facilities, and it invited public comment on the memoranda. The memoranda explain that the wastes fall within the description of listed hazardous wastes numbered K171 and K172.
66 Fed. Reg. 50332 (October 3, 2001)	USEPA adopted a direct final rule that incorporated two clarifying revisions into the May 16, 2001 hazardous waste identification rule. The first revision replaces exemptions from the mixture rule previously inadvertently deleted. The second revision clarifies that mixtures including certain wastes ("Bevill" wastes) and listed hazardous wastes listed solely for the characteristic of ignitability, reactivity, or corrosivity (<i>i.e.</i> , wastes not listed for toxicity) are no longer hazardous once the characteristic for which the waste was listed has been removed.
66 Fed. Reg. 58258 (November 20, 2001)	USEPA adopted new hazardous waste listings (K176, K177, and K178) for three wastes generated from inorganic chemical manufacturing. With the new waste listings, USEPA adopted waste treatment standards and land disposal restrictions for the new wastes.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 260 through 270, 273, and 279. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2002. The Board will propose corresponding amendments to the RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is July 3, 2001, the due date for Board adoption of all amendments in the period would be July 3, 2002.

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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. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public 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-February 2002, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste 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 July 3, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-March 2002. 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 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 R02-12, as follows:

Name: Dorothy Gunn, Clerk
Address: 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 R02-12, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

The reserved UIC update docket R02-17 (see item (x) above), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739.

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.

z) Part(s) (Heading and Code Citation): Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code Part 722); Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill. Adm. Code Part 724); Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill. Adm. Code Part 725); Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code Part 809); Standards for New Solid Waste Landfills (35 Ill. Adm. Code Part 811); Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code Part 855).

1) Rulemaking: No docket presently reserved.

A) Description:

The IEPA plans to repeal certain provisions requiring the submission of copies of manifests to the Agency.

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B) Statutory authority:

Regarding Parts 722, 724 and 725, Sections 22.4 and 27 of the Act [415 ILCS 5/22.4 and 27]. Regarding Part 809, Sections 5, 10, 13, 21, 22, 22.01, 22.2 and 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27]. Regarding Part 811, Sections 5, 21, 21.1, 22, 22.17, 28.1 and 27 of the Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27]. Regarding Part 855, Sections 22.2(c) and 27 of the Act [415 ILCS 5/22.2(c) and 27].

C) Scheduled meeting/hearing dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2002. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency anticipates First Notice, if known:

The IEPA anticipates submitting its proposal in Spring or Summer of 2002, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rulemaking may affect any small business, small municipality or not-for-profit corporation required to submit copies of manifests to the IEPA.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator

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POLLUTION CONTROL BOARD

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Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

- G) Related rulemakings and other pertinent information:
See related rulemakings in the Board identical-in-substance rulemakings (items (x) and (y) above).

aa) Part (Heading and Code Citation):

UNDERGROUND STORAGE TANKS (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R02-13

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 R02-13 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2001 through December 31, 2001. At this time, the Board is not aware of any federal amendments. The Board will verify the existence

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of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2002. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R02-13, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our 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 July 1, 2001, the due date for Board adoption would be July 1, 2002.

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. 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-February 2002, 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 is assumed to be July 1, 2002, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-November 2002. 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 would promptly dismiss this reserved docket.

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- 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 docket number R02-13, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-13, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

- 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.

- bb) Part(s) (Headings and Code Citation):

Site Remediation Program (35 Ill. Adm. Code 740)

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1) Rulemaking: No docket presently reserved.

A) Description:

The Agency anticipates proposing amendments revising the regulations governing the Site Remediation Program to establish procedures for requesting review and payment of remediation costs under the newly-enacted Brownfields Site Restoration Program.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 5, 22 and 58.18 of the Illinois Environmental Protection Act (415 ILCS 5/5, 5/22 and 5/58.18)

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2002. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring or Summer of 2002, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board

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

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

For information regarding the development of these amendments please contact:

Judy Dyer
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217-782-5544
Judy.Dyer@epa.state.il.us

G) Related Rulemaking and other pertinent information:

No other presently-known proceeding would impact the text of Part 740.

cc) Part(s) (Headings and Code Citation):

Illinois Hazardous Substances Pollution Contingency Plan (35 Ill. Adm. Code 750)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency is planning to propose amendments to the Board's regulations that will repeal the removal and remedial action provisions of Part 750 and amend the remaining provisions to make them consistent with the current National Contingency Plan.

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B) Statutory Authority:

Sections 22.7 and 27 of the Environmental Protection Act [415 ILCS 5/22.7 and 27].

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2002. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring or Summer of 2002, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

The IEPA does not expect this rule to affect any small business, small municipality, or not-for-profit corporations

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402

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Springfield, Illinois 62704
Telephone: 217-782-2471
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For information regarding the development of these amendments please contact:

Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

G) Related Rulemaking and other pertinent information:

The Agency plans to propose amendments in the future that will replace the removal and remedial action provisions being repealed in this proposal. The anticipated date for the future proposal is currently unknown.

dd) 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 R02-18

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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 docket number R02-18 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2001 through December 31, 2001. At this time, the Board is aware of the following federal action that occurred in this time-frame:

66 Fed. Reg. 53535 (October 23, 2001)	USEPA adopted a direct final rule to amend the definition of "municipal solid waste landfill unit" and add definitions of "construction and demolition landfill" and "residential lead-based paint waste." The rule would allow the disposal of residential lead-based paint waste in a construction and demolition landfill, by excluding a construction and demolition landfill from the definition of municipal solid waste landfill. USEPA hopes to accelerate the pace of lead-based paint abatement and to reduce the risk to children through lead exposure by these amendments.
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At this time, the Board is not aware of any amendments to the federal RCRA Subtitle D MSWLF regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-February 2002. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF rules using the identical-in-substance procedure or dismiss docket R02-18, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R02-18, if the earliest federal

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amendments in the applicable period is assumed to have occurred on October 23, the due date would be October 23, 2002.

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:

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

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-February 2002, 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 assumed to be October 23, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-August 2002. 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 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 R02-18, as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board

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

Address questions concerning this regulatory agenda, noting docket number R02-18, as follows:

Name: Michael J. McCambridge, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6924
Internet: mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 813, 814, or 815.

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.

ee) Part(s) (Heading and Code Citation): Management of Used and Waste Tires (35 Ill. Adm. Code Part 848)

1) Rulemaking: No docket presently reserved.

A) Description:

Since its adoption of Board rules on May 10, 1991, the IEPA's implementation of Part 848 has given rise to the need for amendments and corrections to better implement the used and waste tire management program.

B) Statutory authority:

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Sections 27 and 55.2 of the Act [415 ILCS 5/27 and 55.2].

C) Scheduled meeting/hearing dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2002. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency anticipates First Notice, if known:

The IEPA anticipates submitting its proposal in Spring or Summer of 2002, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used and waste tires.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
Address: Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

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Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

G) Related rulemakings and other pertinent information:

No other presently known proceedings are expected to impact Part 848.

ff) Part(s) (Heading and Code Citation): General Provisions (35 Ill. Adm. Code Part 900); Sound Emission Standards and Limitations for Property Line-Noise-Sources (35 Ill. Adm. Code Part 901).

1) Rulemaking: No docket presently reserved.

A) Description:

35 Ill. Adm. Code Part 900 contains the general provisions to the Board's noise regulations. Section 900.103 sets forth the procedures to be used for measuring sound. Under that Section the procedures used must be in substantial conformity with certain standards of the American National Standards Institute ("ANSI"). The ANSI standards referenced in Section 900.103, however, are now outdated. The proposed amendments will update the references to current ANSI standards.

35 Ill. Adm. Code Part 901 contains the standards for allowable sound levels from property line noise sources. 35 Ill. Adm. Code 901.104 contains limits for impulsive sound and requires sound to be measured with "fast dynamic characteristic" and is therefore inconsistent with 35 Ill. Adm. Code 900.103(b), which requires sound to be measured as "leq". Section 901.104 will be amended to comply with the requirements of Section 900.103(b).

B) Statutory authority:

Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/25 and 5/27).

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C) Scheduled meeting/hearing dates:

The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2002. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency anticipates First Notice, if known:

The IEPA anticipates submitting its proposal in Spring or Summer of 2002, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations:

The rulemaking may affect any small business, small municipality or not-for-profit corporation subject to the Board's noise regulations.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Name: Erin Conley, Rules Coordinator
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For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Kyle Rominger

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Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

G) Related rulemakings and other pertinent information:

The IEPA plans to repeal 35 Ill. Adm. Code Parts 951 and 952. Those Parts set forth measurement procedures adopted pursuant to 35 Ill. Adm. Code 900.103, and are therefore based upon outdated ANSI standards.

gg) Part (Headings and Code Citations):

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: No docket presently reserved.

A) Description:

35 Ill. Adm. Code Subtitle M, Parts 1420, 1421, and 1422, are the rules for Potentially Infectious Medical Waste (PIMW). Through administration of these rules, the IEPA has identified a need for the disposal outside of the municipal waste stream of household medical waste, including sharps, generated from home health care. One approach under consideration is to exempt from the transfer station permit requirement doctors' offices, hospitals and pharmacies that accept household-generated medical wastes for transfer to disposal facilities. The permit requirement may be replaced with a requirement for registration with the IEPA. Certain other provisions are in need of clarification. However, it is not clear at this time whether each of the three Parts will need to be amended.

B) Statutory Authority:

Sections 27 and 56.2(f) of the Act [415 ILCS 5/27, 56.2(f)].

C) Scheduled Meeting/Hearing Dates:

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The IEPA anticipates it will file a rulemaking proposal in Spring or Summer of 2002. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency Anticipates First Notice:

The IEPA anticipates submitting its proposal in Spring or Summer of 2002, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations:

This rule may affect any small business, small municipality, or not-for-profit corporations that disposes PIMW. The IEPA anticipates that the changes contemplated would not have a significant effect. Exempting medical providers from the transfer station permit requirement if they accept household-generated waste for transfer to disposal facilities would assist such providers in performing a community service by reducing the associated regulatory burden. The clarifications being considered would not substantively change the existing requirements.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
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G) Related Rulemaking and other pertinent information:

No other presently-known proceeding would potentially impact Parts 1420, 1421, and 1422.

For information regarding the development of these amendments please contact:

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Address: 1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-5544