

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

JULY 2003 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 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 Fall or Winter of 2003.

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(s) (Heading and Code Citation):

EMISSIONS REDUCTION MARKET SYSTEM (35 Ill. Adm. Code 205)

1) Rulemaking: R02-22

A) Description:

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

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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 Fall or Winter of 2003. 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 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 Fall or Winter of 2003. 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

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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 Rulemaking and other pertinent information:

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

c) 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, as part of a general clean-up of Part 218 and Part 219. This involves modifying and clarifying the Illinois ozone rules pertaining to: (1) lithographic printing; (2) perchlorethylene dry cleaners; (3) capture efficiency testing; (4) coating operations; (5) the general provisions involving "carbon adsorbers"; and (6) motor vehicle refinishing. Additionally, Appendix B of Parts 218 and 219 will be deleted. Further,

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the rulemaking will amend Part 211 as necessary to reflect the changes made to 35 Ill. Adm. Code Parts 218 and 219.

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 Fall or Winter of 2003. 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 Fall or Winter of 2003. 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

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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:

Board docket R04-02 (see item (d) 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: Charles Matoesian
Address: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

d) Part (Heading and Code Citation):

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

1) Rulemaking: Docket number R04-2

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

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on the Control of Volatile Organic Compounds” (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R04-2 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2003 through June 30, 2003. 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-August 2003. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R04-2, 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 January 1, 2003, the due date for Board adoption would be January 1, 2004.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 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-August 2003, 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 January 1, 2004, 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 October 2003. 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 R04-2, 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 R04-2, 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:

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

MUNICIPAL SOLID WASTE AND COMMERCIAL AND INDUSTRIAL SOLID WASTE AIR CURTAIN INCINERATORS (35 Ill. Adm. Code 201, 211, 212, 237)

1) Rulemaking: No docket presently reserved.

A) Description:

Pursuant to Sections 111(d) and 129 of the Clean Air Act, the US EPA promulgated emission guidelines for municipal solid waste (MSW) and commercial and industrial solid waste (CISWI) air curtain incinerators (65 Fed. Reg. 76378 and 65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to CISWI units that commenced construction on or before November 29, 1999, and units where reconstruction or modification commenced prior to June 1, 2001, and to MSW units that commenced construction on or before August 30, 1999, and units where reconstruction or modification commenced prior to June 6, 2001. The Agency's proposal will include requirements for opacity, registration in lieu of permitting and record keeping and reporting. Corresponding changes may also need to be made to Parts 201 and 211.

B) Statutory Authority:

Implementing Sections 9, 9.1, 10, and 39 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.1, 10, and 39] and authorized by Section

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27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 and 28.5].

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 28.5 of the Act [415 ILCS 5/27 & 28.5].

D) Date Agency Anticipates First Notice:

A Fall or Winter of 2003 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
Fallfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

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G) Related rulemakings and other pertinent information:

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
Fallfield, Illinois 62794-9276
Telephone: (217) 524-3337
Internet: epa8856@epa.state.il.us

f) Part (Heading and Code Citation):

SULFUR LIMITATIONS (35 Ill. Adm. Code 214)

1) Rulemaking: No docket presently reserved.

A) Description:

This rulemaking will correct the special formula located at 35 Ill. Adm. Code 214.184.

B) Statutory authority:

Implementing by Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]

C) Scheduled meeting /hearing date:

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2003. 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

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Fall or Winter of 2003. 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 are subject to Part 214 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
Address: Pollution Control Board
600 S. Second St., Suite 402
Fallfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information:

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

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

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

NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217)

1) Rulemaking: No docket presently reserved.

A) Description:

On October 27, 1998, USEPA issued a NO_x SIP Call requiring Illinois and numerous other states to adopt certain regulations for the control of nitrogen oxide (NO_x) emissions that contribute to non-attainment or interfere with maintenance of the ozone air quality standard in other states pursuant to Section 110(a)(2)(D) of the CAA. Illinois is required to adopt NO_x emission controls for four categories of industrial sources. The Board has already adopted rules that control NO_x emissions from boilers and turbines serving electric generator units greater than 25 megawatts; boilers and turbines with heat input greater than 250 mmBtu/hr; and large cement kilns with ozone season emissions greater than one ton. The fourth category, large internal combustion engines, is the subject of this notice. The U.S. Court of Appeals remanded this category to USEPA for further consideration. Once USEPA promulgates a final rule for large internal combustion engines, the Agency will have to proceed promptly with this rulemaking. The Agency may also revise Sections in 35 Ill. Adm. Code 201 concerning continuous emissions monitoring.

B) Statutory Authority:

Implementing Section 10 and authorized by Sections 27 and 28.5 of the Act [415 ILCS 5/10, 27 and 28.5].

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 Fall or Winter of 2003 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*.

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

The proposed amendments would affect small businesses, small municipalities, or not-for-profit corporations to the extent that they own or operate a large internal combustion engine source that emits NO_x.

- 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

- G) Related rulemakings and other pertinent information:

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

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

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

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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 USEPA 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:

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 Fall or Winter of 2003 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.

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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

G) Related rulemakings and other pertinent information:

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

i) Part (Heading and Code Citation):

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

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 the

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water quality standards for several pollutants including total dissolved solids, sulfate, chloride and radium. These amendments revise and add numeric water quality standards for the protection of aquatic organisms and human health applicable. 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:

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2003. 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 Fall or Winter of 2003. 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 discharges particular contaminants into waters of the State.

F) Agency contact person for information:

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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 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:

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

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

j) Part (Heading and Code Citation):

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

1) Rulemaking: No docket presently reserved.

A) Description:

35 Ill. Adm. Code 303 contains the Board's water use designations for all bodies of water in the State of Illinois with use designations other than general use. The IEPA has established a workgroup to conduct a Use

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Attainability Analysis, pursuant to 40 C.F.R. §131.10, of the portions of the lower Des Plaines River that are currently classified as secondary contact and indigenous aquatic life waters pursuant to 35 Ill. Adm. Code 303.441. In addition, the IEPA is preparing a rulemaking proposal for filing before the Board will recommend updating and/or upgrading the use designation of the lower Des Plaines River from its confluence with the Sanitary and Ship Canal to the Interstate 55 bridge.

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 has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2003. 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 Fall or Winter of 2003. 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 discharges into the lower 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

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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
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:

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

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

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

EFFLUENT STANDARDS (35 Ill. Adm. Code 304)

1) Rulemaking: R03-11

A) Description:

This rulemaking involves site-specific amendments for the City of Effingham's Publicly Owned Treatment Works (POTW) in Effingham, Illinois. The rulemaking proposes to amend the Board's effluent regulations water quality standard for fluoride specifically for the city's POTW.

B) Statutory Authority:

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Implementing Section 13 and authorized by Section 27 of the Act [415 ILCS 5/13 and 27].

C) Scheduled meeting/hearing dates:

The Board held a hearing on this rulemaking proposal in Effingham, Illinois on April 11, 2003 and scheduled a hearing for July 18, 2003 in Springfield, Illinois.

D) Date Agency Anticipates First Notice:

The Board anticipates moving this rulemaking to first notice in Fall or Winter of 2003.

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

This rulemaking is site-specific to the City of Effingham.

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:

There are no other pending rulemakings that would impact Part 304.

l) Parts (Headings and Code Citations):

SEWER DISCHARGE CRITERIA (35 Ill. Adm. Code 307)

PRETREATMENT PROGRAMS (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R04-1

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 R04-1 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2003 through June 30, 2003. At this time, the Board is aware that USEPA undertook two actions that affected the text of 40 CFR 400 through 499 and its implementation. These actions are described below:

| | |
|--|--|
| February 12, 2003 (68 Fed. Reg. 7176) | USEPA amended the effluent standards for concentrated animal feedlot operations (CAFOs). Included were wastewater pretreatment standards applicable to indirect dischargers. |
| May 13, 2003 (68 Fed. Reg. 25686) | USEPA established new effluent and pretreatment standards for the metal products and machinery point source category. |

The Board will verify the existence of any additional federal actions that may affect the text of 40 CFR 400 through 499 and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2003. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure under docket R04-1, as necessary and appropriate.

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Section 13.3 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 USEPA adopted an amendment that will require Board action on the first action in the update period, that of February 12, 2003, the due date for Board adoption would be February 12, 2004.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2003, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be February 12, 2004, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early December 2003. 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.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R04-1, 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 R04-1, 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 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.

m) Part (Heading and Code Citation):

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

1) Rulemaking: No docket presently reserved

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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 Fall or Winter of 2003. 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 Fall or Winter of 2003. 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:

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

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

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Telephone: 217-782-0810

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

Agriculture Related Water Pollution (35 Ill. Adm. Code Subtitle E)

1) Rulemaking: No docket presently reserved.

A) Description:

The Illinois Environmental Protection Agency (IEPA) will prepare a rulemaking proposal for filing before the Board Relating to the new Concentrate Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were signed by USEPA on December 15, 2002. The IEPA anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations.

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 dates:

The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Summer or Winter of 2003. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Section 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 Summer or Winter of 2003. 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:

This rule could affect any agri business that meets the federal definition of a Concentrated Animal Feeding Operation.

- 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:

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

Name: Bruce Yurdin
Address: Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217-782-0610

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o) 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. Additionally, the IEPA is preparing a rulemaking proposal for filing before the Board to require that information on wells be provided in the application for an operating permit.

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 Fall or Winter of 2003. 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:

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

Name: Vera Hurst
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

p) Part (Heading and Code Citation):

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

1) Rulemaking: Docket number R03-15

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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 R03-15 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, 2002 through December 31, 2002. At this time, the Board is aware that USEPA undertook four actions that affected the text of 40 CFR 141 through 143 in a way that will likely require amendment of the Illinois drinking water regulations. These actions are described below:

| | |
|---|---|
| October 23, 2002 (67 Fed. Reg. 30811) | USEPA updated the various methods used for analysis of contaminants in wastewater and drinking water. This included amendments to both the methods of 40 C.F.R. 136 and those referenced in 40 C.F.R. 141. |
| October 29, 2002 (67 Fed. Reg. 65888) | USEPA approved the analytical method and minimum reporting level for unregulated contaminant monitoring for <i>Aeromonas</i> bacteria. |
| November 27, 2002 (67 Fed. Reg. 70850) | USEPA amended the public notice segments of the consumer confidence report rule (CCR). It revised the mandatory health effects language for di(2-ethylhexyl)adipate and di(2-ethylhexyl)-phthalate. USEPA made a small number of minor amendments to the appendix to the CCR. |
| December 9, 2002 (67 Fed. Reg. 73011) | USEPA corrected a single misspelling in the November 27, 2002 (67 Fed. Reg. 70850) amendments to the public notice segments of the consumer confidence report rule (CCR). |

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 2003. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure under docket R03-15, as necessary and appropriate.

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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 October 23, 2002, the due date for Board adoption would be October 23, 2003.

B) Statutory authority:

Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2003, 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 October 23, 2003, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-July 2003. 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

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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 R03-15, 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 R03-15, 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 (q) 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.

q) Parts (Headings and Code Citations):

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

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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, 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 Fall or Winter of 2003. 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

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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.

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 (p) 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

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Springfield, IL 62794-9276
Telephone: 217-782-5544

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

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

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].

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D) Date agency anticipates First Notice:

An IEPA submittal of the rulemaking proposal is anticipated by Fall or Winter of 2003. 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:

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:

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

Name: Rick Cobb
Section Manager, Groundwater Section

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POLLUTION CONTROL BOARD

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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

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

GROUNDWATER QUALITY (35 Ill. Adm. Code 620)

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 amend 35 Ill. Adm. Code 620 to reflect changes in the National Primary Drinking Standards.

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:

An IEPA submittal of the rulemaking proposal is anticipated by Fall or Winter of 2003. 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:

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.

- 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: Vera Herst
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East

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P. O. Box 19276
Springfield, IL 62794-9276

t) 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 Fall or Winter of 2003. 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

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

PRIMARY DRINKING WATER STANDARDS (35 Ill. Adm. Code Subtitle F)

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1) Rulemaking: No docket presently reserved.

B) 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 (Subtitle F) for public water supplies using point of entry/point of use devices to comply with radionuclide standards.

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 Fall or Winter of 2003. 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.

F) 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.

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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 Rulemakings and other pertinent information:

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

Name: Vera Herst,
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
Address: 1021 North Grand Ave., East
Springfield, IL 62702

v) Parts (Headings and Code Citations):

RCRA AND UIC PERMIT PROGRAMS (35 Ill. Adm. Code 702)
UIC PERMIT PROGRAM (35 Ill. Adm. Code 704)
PROCEDURES FOR PERMIT ISSUANCE (35 Ill. Adm. Code 705)
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL (35 Ill. Adm. Code 720)
UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS (35 Ill. Adm. Code 730)

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HAZARDOUS WASTE INJECTION RESTRICTIONS (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R04-4

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 R04-4 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2003 through June 30, 2003. At this time, the Board is not aware of any federal amendments to the federal UIC 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-August 2003. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R03-3, 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 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 January 1, 2003, the due date for Board adoption of all amendments in the period would be January 1, 2004.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

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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-August 2003, 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 January 1, 2004, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2003. 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 R04-4, 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 R04-4, 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:

The reserved RCRA Subtitle C update docket R04-6 (see item (w) 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.

w) Parts (Headings and Code Citations):

RCRA AND UIC PERMIT PROGRAMS (35 Ill. Adm. Code 702)
RCRA PERMIT PROGRAM (35 Ill. Adm. Code 703)
PROCEDURES FOR PERMIT ISSUANCE (35 Ill. Adm. Code 705)
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL (35 Ill. Adm. Code 720)
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE (35 Ill. Adm. Code 721)
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE (35 Ill. Adm. Code 722)
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE (35 Ill. Adm. Code 723)
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES (35 Ill. Adm. Code 724)
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES (35 Ill. Adm. Code 725)
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES (35 Ill. Adm. Code 726)
LAND DISPOSAL RESTRICTIONS (35 Ill. Adm. Code 728)
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT (35 Ill. Adm. Code 733)
STANDARDS FOR THE MANAGEMENT OF USED OIL (35 Ill. Adm. Code 739)

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1) Rulemaking: Docket number R04-6

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 R04-6 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2003 through June 30, 2003. At this time, the Board is not aware of any federal amendments. 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-August 2003. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure or dismiss docket R04-6, as necessary and appropriate.

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 USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2003, the due date for Board adoption would be January 1, 2004.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

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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-August 2003, 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 January 1, 2004, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-September 2003. 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 R04-6, 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 R04-6, 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:

The reserved UIC update docket R04-4 (see item (v) 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.

x) Part (Heading and Code Citation):

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

1) Rulemaking: Docket number R04-7

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 R04-7 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2003 through June 30, 2003. At this time, the Board is not aware of any federal amendments. 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-August 2003. The Board will then propose corresponding amendments to the Illinois UST regulations using the

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identical-in-substance procedure or dismiss docket R04-7, 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 January 1, 2003, the due date for Board adoption would be January 1, 2004.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2003, 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 January 1, 2004, 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 October 2003. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board 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 R04-7, 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 R04-7, 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.

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

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PETROLEUM UNDERGROUND STORAGE TANKS (35 Ill. Adm. Code Part 732)

1) Rulemaking: No docket presently reserved.

A) Description:

35 Ill. Adm. Code Part 732 contains the rules governing the remediation of leaking underground storage tanks. The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. Amendments updating the Pollution Control Board's rules in light of these Public Acts will be proposed. Amendments to the rules governing reimbursement from the Underground Storage Tank Fund will also be proposed.

B) Statutory Authority:

Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Summer or Fall of 2003. 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 Summer or Fall of 2003, 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 amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's leaking underground storage tank rules.

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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:

For information regarding the development of these amendments please contact:

M. Kyle Rominger
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544
Internet: Kyle.Rominger@epa.state.il.us

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

PETROLEUM UNDERGROUND STORAGE TANKS (RELEASES REPORTED ON OR AFTER JUNE 24, 2002) (New Part).

1) Rulemaking: No docket presently reserved.

A) Description:

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The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. A new Part to the Pollution Control Board's rules will be proposed in light of the changes made by the Public Acts. Amendments to the rules governing reimbursement from the Underground Storage Tank Fund will also be proposed.

B) Statutory Authority:

Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Summer or Fall of 2003. 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 Summer or Fall of 2003, 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 amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's leaking underground storage tank rules.

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

G) Related Rulemaking and other pertinent information:

Amendments to the Pollution Control Board's rules at 35 Ill. Adm. Code 732 will be proposed in conjunction with the new Part 734.

For information regarding the development of these amendments please contact:

M. Kyle Rominger
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544
Internet: Kyle.Rominger@epa.state.il.us

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

SITE REMEDIATION PROGRAM (35 Ill. Adm. Code 740)

1) Rulemaking: R03-20

A) Description:

The Board has held two hearings on an IEPA proposal to revise 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.

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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:

In accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28], the Board has held two hearings in this rulemaking on April 30, 2003 and May 14, 2003.

D) Date Agency Anticipates First Notice:

The Board may adopt the proposal for first notice publication in the late Summer or early Fall of 2003.

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
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 Rulemaking and other pertinent information:

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

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

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

TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES (35 Ill. Adm. Code 742)

1) Rulemaking: No docket presently reserved.

A) Description:

Since the Board rules were adopted on June 5, 1997, the IEPA's implementation of the rules has given rise to the need for some amendments, corrections, and clarifications to existing rules. Additionally, technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.

B) Statutory Authority:

These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].

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C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Fall or Winter of 2003. 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 Fall or Winter of 2003, 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 amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's tiered approach to corrective action rules

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:

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No other presently-known proceeding would impact the text of Part 742.

For information regarding the development of these amendments please contact:

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

cc) 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 R04-5

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 R04-5 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 2003 through June 30, 2003. At this time, the Board is not aware of any federal amendments to the federal RCRA Subtitle D regulations during this period. The Board will

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verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2003. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D municipal solid waste regulations using the identical-in-substance procedure or dismiss docket R04-5, 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 R04-5, if the earliest federal amendments in the applicable period is assumed to have occurred on January 1, 2003, the due date would be January 1, 2004.

B) Statutory authority:

Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

C) Scheduled meeting/hearing dates:

None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice:

The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2003, 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 January 1, 2004, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2003. 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.

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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 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 R04-5, 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 R04-5, 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.

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

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RECYCLING FACILITIES (35 Ill. Adm. Code 840) (New Part).

1) Rulemaking: No docket presently reserved.

A) Description:

New rules containing operating standards for recycling facilities will be proposed. Recycling facilities anticipated to be covered by the new rules are those where paper, glass, plastic, metal cans, aluminum containers, or textiles are recycled.

B) Statutory Authority:

Implementing Sections 5, 21, 22 and 28, and authorized by Section 27, of the Environmental Protection Act [415 ILCS 5/5, 21, 22, 27 and 28].

C) Scheduled Meeting/Hearing Dates:

The IEPA anticipates it will file a rulemaking proposal in Summer or Fall of 2003. 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 Summer or Fall of 2003, 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 Part may affect any small business, small municipality or not-for-profit corporation that owns or operates a recycling facility..

F) Agency Contact Person for Information:

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

Name: Dorothy Gunn, Clerk

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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

For information regarding the development of these amendments please contact:

M. Kyle Rominger, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
Internet: Kyle.Rominger@epa.state.il.us

- ee) Part(s), (Headings and Code Citations):

STANDARDS AND REQUIREMENTS FOR NEW AND EXISTING
[MUNICIPAL WASTE] TRANSFER STATIONS (New Part)
INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION FOR A
[MUNICIPAL WASTE] TRANSFER STATION (New Part)
PROCEDURAL REQUIREMENTS FOR [MUNICIPAL WASTE] TRANSFER
STATION PERMITS (New Part)

- 1) Rulemaking: No docket presently reserved.

A) Description:

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Solid waste transfer stations currently are regulated under 35 Ill. Adm. Code 807. The Part 807 rules were developed primarily for solid waste landfills. As applied to transfer stations, they are very general with many of the specific requirements for transfer stations imposed through permit conditions under Section 807.206. Transfer stations are increasing in number and importance in Illinois' waste management system. In addition, the United States Environmental Protection Agency published in June 2002 "Waste Transfer Stations: A Manual for Decision-Making" (EPA530-R-02-002), guidance developed to "promote the use of best practices in transfer station siting, design and operation to maximize facilities' effectiveness while minimizing their impact on the community." In light of these factors, the Illinois Environmental Protection Agency ("Illinois EPA") is developing new Parts that will provide more specific requirements for the design, construction, operation and closure of solid waste transfer stations as well as fees and procedures for obtaining permits. Currently, the draft proposal addresses only municipal waste transfer stations, but it may be expanded to other, non-hazardous wastes prior to submission to the Pollution Control Board ("Board").

B) Statutory authority:

These rules will be proposed pursuant to Sections 4(i), 5(f), 21(d), 22, 27 and 28 of the Environmental Protection Act ("Act") [415 ILCS 5/4(i), 5(f), 21(d), 22, 27, 28].

C) Scheduled meeting/hearing dates:

The Illinois EPA anticipates it will file a rulemaking proposal in late 2003 or early 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date Agency anticipates First Notice:

Submission to the Board by the Illinois EPA may be as soon as the winter of 2003, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

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

Generally, small businesses, small municipalities and not-for-profit

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corporations will not be affected by the proposal unless they receive waste for transfer prior to treatment or disposal. For those that do, the substantive changes in requirements for design, construction and operation are expected to be minimal with many existing transfer stations already in compliance with most of the standards and requirements. However, there may be some expense for upgrading existing transfer stations. In addition, fees for the review and issuance of permits and for periodic facility inspections will be proposed.

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 South Second Street
Springfield, Illinois 62704
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information:

No other presently-known proceeding will affect solid waste transfer stations.

For information regarding the development of these rules please contact:

Name: Mark Wight
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
Internet: Mark.Wight@epa.state.il.us

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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: R03-09

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).

C) Scheduled meeting/hearing dates:

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 Board anticipates moving this rulemaking to first notice in the Summer of 2003, after hearings have been completed.

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- 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
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:

The IEPA has stated that it 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.