IPCB
Illinois Pollution Control Board

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WEB SITE
www.pcb.illinois.gov

September 28, 2026

Kim Schultz
Executive Director
Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, IL 62706

Re: Second Notice for 35 Ill. Adm. Code 1422, Board Docket No. R25-24

Dear Ms. Schultz:

For these proposed amendments to 35 Ill. Adm. Code 1422, here is the Board's resubmitted Second Notice, which corrects the deficiencies identified in your September 10, 2026 letter. If you have any questions or concerns, please contact Richard McGill at richard.mcgill@illinois.gov.

Sincerely,

Don A. Brown
Clerk of the Board

Enclosures

SECOND NOTICE

1) Agency: Pollution Control Board

2) Title and Administrative Code Citation: Design and Operation of Facilities, 35 Ill. Adm. Code 1422

3) Date and Citation to Illinois Register: May 22, 2026, 50 Ill. Reg. 7317

4) Text and Location of any Changes from First Notice: See Attachment A.

5) Response to Codification Recommendations: No changes were requested by the Secretary of State.

6) Incorporations by Reference: None.

7) Final Regulatory Flexibility Analysis:

   A) Summary of Issues Raised by Small Business: No issues were raised by small businesses during first notice.

   B) Description of Actions and Alternatives Proposed by Small Business during First Notice: No actions or alternatives were proposed by small businesses during first notice.

8) Compliance with Section 5-30 of the APA and 1 Ill. Adm. Code 220.285: The Board placed the proposal on the Board's website: https://pcb.illinois.gov/. The Board also notified the public through publication in the *Illinois Register*. The Board did not receive a comment from the Small Business Office.

9)

   A) List of Commenters: None.

   B) Issues Raised and Board Analysis: None.

   C) Change in the Rule: None.

   D) Public Hearing Requests: Hearings were not requested, but the Board held two public hearings on June 26, 2025, and August 21, 2025.

10) Justification and Rationale:

   A) Changes in Statutory Language: None.

   B) Changes in Board Policy, Procedures, or Structure: None.

C) Citations to Federal Laws, Rules, or Regulations, or Funding Requirements: None.

D) Court Decisions: None.

E) Other Reasons: BioSAFE Engineering proposed amending 35 Ill. Adm. Code 1422, which specifies the Board's rules regarding the design and operating standards and criteria for all potentially infectious medical waste (PIMW) treatment, storage, and transfer facilities. The proposed amendment adds *Bacillus atrophaeus* as an indicator microorganism for efficacy testing of low-pressure/low-temperature treatment systems because the organisms in the current rules are not appropriate for testing such systems.

11) Name of Agency Representative:

Richard McGill
Illinois Pollution Control Board
60 E Van Buren St, Suite 630
Chicago, IL 60605
Richard.mcgill@illinois.gov

ATTACHMENT A

SECOND NOTICE CHANGES

AGENCY: Pollution Control Board, Design and Operation of Facilities (35 Ill. Adm. Code 1422; 50 Ill. Reg. 7317)

None