



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

R10-1
R10-17

July 1, 2010

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STATE OF ILLINOIS
Pollution Control Board

POLLUTION CONTROL BOARD
JOHN THERRIAULT ASSISTANT CLERK
100 W RANDOLPH ST, STE 11-500
CHICAGO, IL 60601

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 34, Issue 28 of the Illinois Register, dated 7/9/2010.

ADOPTED RULES

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| Definitions and General Provisions | |
| 35 Ill. Adm. Code 211 | 9069 |
| Point of Contact: Nancy Miller | |
| Organic Material Emission Standards and Limitations for the Chicago Area | |
| 35 Ill. Adm. Code 218 | 9096 |
| Point of Contact: Nancy Miller | |
| Organic Material Emission Standards and Limitations for the Metro East Area | |
| 35 Ill. Adm. Code 219 | 9253 |
| Point of Contact: Nancy Miller | |

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

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| Notice of Public Information Pursuant to 415 ILCS 5/7.2(b) | |
| Point of Contact: Mike McCambridge | 9566 |

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

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Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] requires the Board to adopt regulations that are "identical in substance" to rules adopted by the United States Environmental Protection Agency (USEPA) to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2006)). The USEPA National Primary Drinking Water Regulations (NPDWRs) implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal SDWA (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2006)). The federal SDWA regulations are found at 40 C.F.R. 141 through 143.

Section 7.2(a) of the Act [415 ILCS 5/7.2(a)] requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) [415 ILCS 5/7.2(b)] allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

By an order dated June 17, 2009, the Board consolidated dockets R10-1 and R10-17, in order to expedite consideration of all of the amendments. By that order, the Board also set forth reasons for delay and extended the deadline for final action on the amendments from June 29, 2010 to November 15, 2010.

TIMETABLE FOR COMPLETION OF THIS RULEMAKING AND EXTENSION OF THE DEADLINE FOR FINAL ACTION

Under Section 7.2 of the Act (415 ILCS 5/7.2(b) (2008)), the Board must complete this rulemaking within one year of the date of the earliest set of federal amendments considered in this docket. USEPA adopted the earliest federal amendments that required Board attention on June 29, 2009. Accordingly, absent extension, the deadline for Board adoption of these amendments would be June 29, 2010.

Completing the amendments within the prescribed one-year period would have required the Board to have progressed to final adoption according to the following schedule, which has not been met:

| | |
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| Due date (statutory): | June 29, 2010 |
| Date of Board vote to propose amendments: | April 1, 2010 |
| Submission for <i>Illinois Register</i> publication: | April 12, 2010 |
| Probable <i>Illinois Register</i> publication dates: | April 23, 2010 |
| Estimated end of 45-day public comment period: | June 7, 2010 |
| Likely date of Board vote to adopt amendments: | June 17, 2010 |

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| Probable filing and effective date: | June 28, 2010 |
| Probable <i>Illinois Register</i> publication date: | July 9, 2010 |

Section 7.2(b), however, further provides a mechanism for the Board to extend the deadline for final action. Under that provision, the one-year period may be extended by adopting a Board order and publishing a notice of extension in the *Illinois Register*. The Board now uses this provision to extend the deadline. The Board states the reasons for delay as follows:

Delays in finalizing the voluminous hazardous waste amendments involved in RCRA Subtitle C Update, USEPA Amendments (July 1, 2008 through December 31, 2008), R09-16 and RCRA Subtitle C Update, USEPA Amendments (January 1, 2009 through June 30, 2009), R10-4 (consolidated) delayed development of a proposal for public comment in the present matter. This is the principal factor that makes an extension of the deadline for final action in this matter necessary. The Board today extends the deadline for completion of this proceeding.

The final Board action to adopt these amendments is now November 15, 2010. This extended deadline has a slight amount of extra time added to allow for any minor unforeseen delays in finalizing the amendments.

Considering the proposal of these amendments on this date, the Board presently projects the following will occur in the progress towards completing these amendments:

| | |
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| Extended Due date (by this order): | November 15, 2010 |
| Date of Board vote to propose amendments: | August 3, 2010 |
| Submission for <i>Illinois Register</i> publication: | August 16, 2010 |
| Probable <i>Illinois Register</i> publication dates: | August 27, 2010 |
| Estimated end of 45-day public comment period: | October 11, 2010 |
| Likely date of Board vote to adopt amendments: | October 21, 2010 |
| Probable filing and effective date: | November 1, 2010 |
| Probable <i>Illinois Register</i> publication date: | November 12, 2010 |

Direct inquiries as follows, referencing consolidated docket R10-1/R10-17:

Michael J. McCambridge, Staff Attorney
Illinois Pollution Control Board

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312-814-6924 or mccambm@ipcb.state.il.us