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POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

- a) Parts (Headings and Code Citations): General Rules (35 Ill. Adm. Code 101)
- 1) Rulemaking: Docket number R13-9
- A) Description: The Board has proposed to amend Section 101.108(d) of its procedural rules to make it clear that the affirmative votes of a 3 Member majority of this 5 Member Board is required to adopt a Board decision.
- B) Statutory authority: Implementing Section 5(a) of the Environmental Protection Act [415 ILCS 5(a)].
- C) Scheduled meeting/hearing dates: The Board does not intend to hold a hearing on these proposed rules unless requested to do so. The Board is not required to hold a public hearing to amend its procedural rules pursuant to Section 26 and 27 of the Act [415 ILCS 5/26 and 27].
- D) Date agency anticipates First Notice: First Notice was published in the *Illinois Register* on October 12, 2012.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking will not affect any small business, small municipality, or not-for-profit corporation.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Kathleen Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601  
(312)814-6929  
[kathleen.crowley@illinois.gov](mailto:kathleen.crowley@illinois.gov)

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- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kathleen Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601  
(312)814-6929  
[kathleen.crowley@illinois.gov](mailto:kathleen.crowley@illinois.gov)

- b) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)  
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: Docket number R12-24

- A) Description: On April 2, 2012, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal to amend the Board's regulations for organic material emission standards and limitations. More specifically, the Agency proposed to repeal the Gasoline Volatility Standards, codified at 35 Ill. Adm. Code 215.585 and 219.585, as well as those specific for the Metro East and Chicago areas. These standards have been essentially superseded by the Federal gasoline volatility standards and the federal Reformulated Gasoline (RFG) program. The proposal will also impact Subpart HH of Parts 218 and 219 applicable to motor vehicle refinishing operations. Proposed amendments would allow alternative use of equivalent High Volume Low Pressure (HVLP) spray gun technology for which USEPA has given written approval, and would repeal an Illinois registration program that overlaps with a federal one.

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- B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by the Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 5/28].
- C) Scheduled meeting/hearing dates: Hearings were held on August 23, 2012 in Springfield, and September 20, 2012 in Chicago.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments appeared in the *Illinois Register* on May 11, 2012.
- 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 is currently regulated by 35 Ill. Adm. Code 218.585, 219.585, or Subpart HH of Parts 218 and 219.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6929  
kathleen.crowley@illinois.gov

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr  
Illinois Environmental Protection Agency  
Division of Legal Counsel

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POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

1021 North Grand Ave. East  
Springfield, Illinois 62794-9276  
217-782-5544  
kent.mohr@illinois.gov

c) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)  
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 Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board setting forth regulations that will incorporate the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for certain area sources, including but not limited to gasoline dispensing facilities.
  - B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27].
  - C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].
  - D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

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- 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 would fall under the classification of a gasoline dispensing facility and other area source NESHAPs.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Ave. East  
P.O. Box 19274  
Springfield, Illinois 62794  
carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794  
(217)782-5544

- d) Parts (Heading and Code Citations):

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Permits and General Provisions (35 Ill. Adm. Code 201)  
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

- 1) Rulemaking: No docket presently reserved.
  - A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would relate to the requirement to install a vapor collection and control system (Stage II system) on motor vehicle fuel dispensers at gasoline dispensing operations subject to 35 Ill. Adm. Code 218.586. This proposal is based on the United States Environmental Protection Agency's (USEPA) waiver of the Clean Air Act (CAA) Section 182(b)(3) Stage II requirement and onboard refueling vapor recovery (ORVR) widespread use determination under CAA Section 202(a)(6) (77 Fed. Reg. 28772).
  - B) Statutory Authority: Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].
  - C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].
  - D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency anticipates filing a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
  - E) Affect on small businesses, small municipalities or not for profit corporations: This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the requirements of 35 IAC 218.586.
  - F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board

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1021 North Grand Avenue East  
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Springfield, Illinois 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Kent Mohr  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[kent.mohr@illinois.gov](mailto:kent.mohr@illinois.gov)

- e) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Open Burning (35 Ill. Adm. Code 237)

- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal or proposals to file with the Board setting forth regulations that will address recently adopted legislation allowing for the Agency to issue/authorize Permits-by-Rule and General Permits. In addition, as part of proposing Permits-by-Rule for certain types of burning, the Agency is also planning to propose amendments that provide consistency between the Act and Part 237.
- B) Statutory authority: Implementing Sections 10, 39.10 and 39.12 of the Environmental Protection Act [415 ILCS 5/10, 39.10 and 39.12] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six

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months. 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 Section 27 of the Act [415 ILCS 5/27].

- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear 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 elects to obtain a general permit or permit by rule. The proposal is not anticipated to mandate that an owner or operator obtain either a Permit-By-Rule or a general permit that applies to a particular type of source.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Ave. East  
P.O. Box 19274  
Springfield, Illinois 62794  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:



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Rachel Doctors  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
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217-782-5544  
Rachel.doctors@illinois.gov

- f) Parts (Headings and Code Citations): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to add relevant applicability provisions to explicitly address PM2.5 and related precursor compounds.
- B) Statutory authority: Implementing Sections 9.1 and 10 and authorized by Section 27 and Section 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27 and 28.5].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].

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- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 203.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information:  
For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
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- g) Parts (Headings and Code Citations): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)
- 1) Rulemaking: No docket presently reserved.
    - A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will establish a “grandfathering” provision for particulate matter less than 2.5 micrometers (PM2.5) in the Federal Prevention of Significant Deterioration (PSD) program. The “grandfathering” provision applies to permit applications submitted before the July 15, 2008, effective date of the new rule, which allows the PM10 surrogate policy to continue to be used as the basis for approving such permits for PM2.5.
    - B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
    - C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].
    - D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, 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 proposal may affect any small business, small municipality or not-for-profit corporation that produces the various components of particulate matter.

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- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Charles Matoesian  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217)782-5544

- h) Part (Heading and Code Citations): Emissions Reduction Market System (35 Ill. Adm. Code 205)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would sunset the provisions of the Emissions Reduction Market System (ERMS). The ERMS is a market-based cap and trade program designed to reduce emissions of volatile organic material (VOM) in the Chicago area.

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The program allows trading among participating sources through the use of allotment trading units (ATUs) in order to meet a reduced cap on their overall VOM emissions. In studying the available data, the Agency finds that the ERMS program is operating successfully. The participating sources are performing significantly below the baseline and allotment levels. The ERMS has achieved its goals and is no longer needed for VOM emission reductions in the Chicago area. However, participating sources are still subject to applicable State and Federal air pollution regulations.

- B) Statutory Authority: Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Affect on small businesses, small municipalities or not for profit corporations: This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the ERMS.
- F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
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[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

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POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Gina Roccaforte  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
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Springfield, Illinois 62794-9276  
(217) 782-5544  
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- i) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

- 1) Rulemaking: Docket number R13-1

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) 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 reserved this docket number to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA made in the period of January 1, 2012 through July 1, 2012. On June 22, 2012, USEPA amended the definition of VOM to exempt *trans*-1,3,3,3-tetra-fluoropropene (HFO-1234ze)(CAS no. 29118-24-9) from regulation

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under the state implementation plans for ozone due to negligible photochemical reactivity.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. On October 18, 2012, the Board adopted a proposal for public comment.

- 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: A hearing was held on December 20, 2012 in Chicago and Springfield via videoconference as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice: The Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period.
- 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 R13-1, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-1, as follows:

Michael J. McCambridge, Attorney

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POLLUTION CONTROL BOARD

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Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Michael.Mccambridge@illinois.gov

- 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.
- j) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)
- 1) Rulemaking: Docket number R13-10
- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal “Recommended Policy on the Control of Volatile Organic Compounds” (Recommended Policy) 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 this docket to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may



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make in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any federal amendments to the federal definition of VOM that occurred during this update period.

The Board will verify the existence of any federal actions that may affect the text of the federal definition of VOM and determine the Board action required in response to each in coming weeks, by about mid-February 2013. The Board will then either propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R13-10, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- 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 110(a) of the federal Clean Air Act (42 USC § 7410(a)) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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

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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 R13-10, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-10, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

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k) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to revise the methods for measuring filterable and condensable PM10 and to add methods for measuring filterable and condensable PM2.5. The rulemaking may also include necessary clean-up language and updates throughout Part 212.
- B) Statutory authority: Implementing Section 10 and authorized by Section 27 and Section 28 of the Environmental Protection Act [415 ILCS 5/10 and 27 and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 212.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk

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POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312)814-3629

Address questions concerning this regulatory agenda:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544

- l) Parts (Heading and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Sulfur Limitation (35 Ill. Adm. Code 214)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would amend our current sulfur dioxide (SO<sub>2</sub>) emission limitations as needed to address the 2010 SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS).

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- B) Statutory Authority: Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Affect on small businesses, small municipalities or not for profit corporations: This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the requirements of SO<sub>2</sub> NAAQS.
- F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Dana Vetterhoffer  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

(217) 782-5544

[dana.vetterhoffer@illinois.gov](mailto:dana.vetterhoffer@illinois.gov)

m) 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 Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will modify the definitions of “miscellaneous metal parts and products coating” and “coil coating” for Parts 218 and 219 to clarify that lubricating oils are not considered “coatings” for purposes of Subpart F, Coating Operations, but rather protective oils applied to metal for the purpose of providing lubrication, similar to the treatment of such oils under the Federal National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, 40 CFR Part 63, Subpart Mmmm.
- B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].

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- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, 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 proposal may affect any small business, small municipality or not-for-profit corporation that uses lubricating oil that is applied to metal for purposes of lubrication in a metal fabrication process.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Gina Roccaforte  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276

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POLLUTION CONTROL BOARD

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Springfield, Illinois 62794-9276  
(217)782-5544

n) 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 Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will “clean up” various errors and outdated portions of the rules found in Parts 218 and 219. The exact changes to be made have not yet been determined, but they shall all be considered routine. Part 211 shall be modified as necessary to accommodate any revised definitions.
- B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, 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 corporation: This proposal may affect any small business, small municipality or not-for-profit corporation that relies on the portions being amended. Again, however, this rulemaking is designed to be a routine clean up of the rules.
- F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[Carol.Webb@illinois.gov](mailto:Carol.Webb@illinois.gov)

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Charles E. Matoesian  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217-782-5544  
[Charles.matoesian@illinois.gov](mailto:Charles.matoesian@illinois.gov)

- o) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 243)

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POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

1) Rulemaking: Docket number R13-11

- A) Description: P.A. 97-945 added Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] effective August 10, 2012. This new provision mandates that the Board adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQSs) adopted by USEPA pursuant to section 109 of the federal Clean Air Act (42 USC § 7409). USEPA has codified the primary and secondary NAAQSs at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead). Various other federal regulations relate to aspects of the NAAQSs, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating air quality monitoring regions and setting forth their attainment/non-attainment status.

The Board has reserved docket number R13-11 to adopt the NAAQSs and any revisions that USEPA may make through December 31, 2012. This initial identical-in-substance proceeding will ensure that the existing State ambient air quality standards are identical-in-substance to the existing federal standards as codified in the 2102 edition of the *Code of Federal Regulations*. This initial proceeding will also try to include all federal amendments through December 31, 2012 that affect the NAAQSs. At this time, the Board is aware of two federal actions during this update period that affected the NAAQSs:

**September 11, 2012 (77 Fed. Reg. 55832)**

Description of the USEPA action: USEPA approved a federal equivalent method for PM<sub>2.5</sub> in ambient air.

Prospective necessary Board action in response: The Board must incorporate the approval into the listing of approvals at 35 Ill. Adm. Code 243.108 when establishing the NAAQS rules.

**October 5, 2012 (77 Fed. Reg. 55832)**

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## POLLUTION CONTROL BOARD

### JANUARY 2013 REGULATORY AGENDA

Description of the USEPA action: USEPA approved a federal equivalent method for PM<sub>2.5</sub>, PM<sub>10</sub>, and PM<sub>10-2.5</sub> in ambient air.

Prospective necessary Board action in response: The Board must incorporate the approval into the listing of approvals at 35 Ill. Adm. Code 243.108 when establishing the NAAQS rules.

The Board will verify the existence of any other federal actions that may affect the federal NAAQSs and determine the Board action required in response to each in coming weeks, by about mid-February 2013. The Board will then include that action in this initial proceeding to make the Illinois ambient air quality standards identical-in-substance to the federal NAAQSs in this docket R13-11, as necessary and appropriate.

Section 10(H) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. The initial emphasis of this proceeding, however, is to ensure that the existing Illinois ambient air quality standards are identical-in-substance to the NAAQSs. Thus, the Board will use the August 10, 2012 effective date of P.A. 97-945 as the basis for completion of rulemaking activity. This means that the Board is assuming that August 10, 2013 is the due date for Board adoption of amendments in this docket R13-11.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 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 may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.

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- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2013, after which time the Board will either propose any necessary amendments to the Illinois ambient air quality standards that are necessary to ensure that they are identical-in-substance to the federal NAAQSs. If the due date for Board adoption of amendments in this docket is assumed to be August 10, 2013, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-April 2013. 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 emission of an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-11, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-11, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Michael.mccambridge@illinois.gov

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] 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.

- p) Part (Heading and Code Citations): Air Quality Standards (35 Ill. Adm. Code 243)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would amend Part 243 to reflect new National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA). Specifically, the Agency proposes to update the sulfur dioxide (SO<sub>2</sub>) standard and the nitrogen dioxide (NO<sub>2</sub>) standard. The Agency will also include a general clean-up of Part 243.
- B) Statutory Authority: Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].
- C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. 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 Section 27 of the Act [415 ILCS 5/27].
- D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the

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filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not for profit corporations: Any small business, small municipality, or not-for-profit corporation that emits the contaminants regulated by Part 243 could be affected by the proposed amendments.

F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Charles Matoesian  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[charles.matoesian@illinois.gov](mailto:charles.matoesian@illinois.gov)

q) Parts (Heading and Code Citations):

Water Quality Standards (35 Ill. Adm. Code 302)  
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: No docket presently reserved.

A) Description: The Agency is working toward establishing a new narrative standard for "cultural eutrophication" to protect aquatic life from the

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adverse impacts of excess algae and aquatic plant growth. Measurable parameters such as dissolved oxygen will be used to identify cultural eutrophication. The proposed standard would prohibit cultural eutrophication and the presence of such would trigger a technology-based phosphorus limit on dischargers that would significantly contribute to cultural eutrophication. The technology based phosphorus limits applicable to such dischargers would be proposed by updating 35 Ill. Adm. Code 304.123. Other technology-based phosphorus effluent standards covering certain dischargers of phosphorus independent of a finding of cultural eutrophication will also be proposed for 35 Ill. Adm. Code 304.123.

- B) Statutory Authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]
- C) Scheduled meeting/hearing dates: There have been several meetings with stakeholders over the last several years and it is anticipated more meetings will be scheduled before proposing amendments to the Board. No 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: An Agency submittal to the Board would commence this proceeding, and the Agency anticipates filing a proposal in the spring or summer of 2012. After filing the proposal, the Board will cause a Notice of Proposed rule to appear in the *Illinois Register*.
- E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses will be affected in the case they are covered by an NPDES permit and determined to be a significant source.
- F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

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POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

- G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stefanie Diers  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[stefanie.diers@illinois.gov](mailto:stefanie.diers@illinois.gov)

- r) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

- 1) Rulemaking: Docket number R08-9 Subdocket C

- A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.

In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability



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analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket C will address the issues involving proposed aquatic life uses.

- 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 Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, 2010 and 2011 in Chicago, Joliet, and Des Plaines. The Board has held 54 days of hearings.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.
- 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 Chicago river or the lower Des Plaines River.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord  
Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312)814-4925

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POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Marie.Tipsord@illinois.gov

- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Deborah J. Williams  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, Il 62794-9276  
(217)782-5544

- s) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

- 1) Rulemaking: Docket number R08-9 Subdocket D

- A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.

In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability

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analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket D will address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.

- 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 Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, 2010, and 2011 in Chicago, Joliet, and Des Plaines. The Board has held 54 days of hearing.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.
- 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 Chicago river or the lower Des Plaines River.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord  
Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

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(312)814-4925  
Marie.Tipsord@illinois.gov

- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Deborah J. Williams  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, Il 62794-9276  
(217)782-5544

- t) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R13-7

- 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 this docket 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, 2012 through June 30, 2012. On May 18, 2012, USEPA took the following action:

**May 18, 2012 (77 Fed. Reg. 29758)**

Description of the USEPA action: USEPA modified the testing procedures approved for sampling and analysis in programs established under the Clean Water Act, including rules for wastewater pretreatment.

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Prospective necessary Board action in response: Updates will be made to incorporations by reference.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

- 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: 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 anticipates that notice will be published in the *Illinois Register* on March 1, 2013 to allow time for a 45-day public comment period.
- 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 discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-7, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-7, as follows:

Michael J. McCambridge, Attorney

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100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Michael.Mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 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.

- u) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R13-17

- 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 this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any amendments to the federal wastewater pretreatment regulations that occurred during this update period.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which

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the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- 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 expects to verify any federal actions within the next month. If amendments are required the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45 day public comment period. If no amendment is needed, the Board will 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 discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-17, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-17, as follows:

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Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307 or 310 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

- v) Part (Heading and Code Citation): Testing Fees for Analytical Services (35 Ill. Adm. Code 309)

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the permitting requirements for the construction of simple pH adjustment pretreatment systems, cooling towers, oil/water separators and lifetime operating permits for all pretreatment systems and discharges.
- B) Statutory authority: Implementing and authorized by Section 13 of the Environmental Protection Act [415 ILCS 5/13]



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- C) Schedule meeting/hearing date: 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: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, 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 required to obtain any of the above mentioned permits pursuant to 35 Ill. Adm. Code 309.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Sara Terranova  
Illinois Environmental Protection Agency  
Division of Legal Counsel

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1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544  
Sara.Terranova@illinois.gov

w) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) 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 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: 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: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, 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 to:

John Therriault, Acting Clerk  
Pollution Control Board

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

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
carol.webb@illinois.gov

- G) Related rulemakings and other pertinent information: The Agency has stated that it 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 Agency’s development of this proposal, please contact the following Agency attorney:

Stefanie Diers  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544

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

Alan Keller, P.E.  
Manager, Northern Municipal Unit  
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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(217)782-0810

- x) Parts (Heading and Code Citation): Agriculture Related Water Pollution from Concentrated Animal Feeding Operations (CAFOs) (35 Ill. Adm. Code 501, 502, 504)
- 1) Rulemaking: Docket number R12-23
- A) Description: On March 1, 2012, the Illinois Environmental Protection Agency (Agency) filed a proposal with the Board to amend Parts 501 and 502 so that they are consistent with, and as stringent as, the current federal CAFO regulations. Additionally, USEPA has indicated that Illinois needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow.
- 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: No meetings or hearings are scheduled at this time.
- D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Amendments will be published in the *Illinois Register* within the next six months.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rule could affect any agri-business that meets the definition of a Concentrated Animal Feeding Operation and discharges to waters of the State.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

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Address questions concerning this regulatory agenda to:

Tim Fox  
Pollution Control Board  
100 W. Randolph St.  
Chicago, Illinois 60601  
Tim.fox@illinois.gov  
(312) 814-6085

- G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox  
Pollution Control Board  
100 W. Randolph St.  
Chicago, Illinois 60601  
[tim.fox@illinois.gov](mailto:tim.fox@illinois.gov)  
(312) 814-6085

- y) Parts (Heading and Code Citation): Permits (35 Ill. Adm. Code 602)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board that seeks to amend the Public Water Supply rules found in 35 Ill. Adm. Code 602. Both the Illinois Pollution Control Board and the Agency have rules in separate parts of the administrative code governing construction permits, operating permits and pesticide permits for community water supplies. The Agency believes combining the permit requirements found in Part 652 of the Agency's rules with the permit requirements in Part 602 will create a single body of rules, making it easier for the regulated community to comply with permitting requirements.
- B) Statutory Authority: Implementing and authorized by Sections 17, 27, and 28 of the Environmental Protection Act [415 ILCS 5/17, 27 & 28].

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- 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 and 28]
- D) Date agency anticipates First Notice: The Agency submittal of the rulemaking proposal is anticipated within the next six months. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 and 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) Effect 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 3.365 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. However, it is anticipated that the proceeding will not likely have a quantifiable effect on these entities because the substantive permitting requirements will likely remain unchanged. 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 to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Ave. East  
Springfield, Illinois 62794  
Carol.Webb@illinois.gov

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- G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Joanne M. Olson  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
Joanne.olson@illinois.gov

- z) Parts (Heading and Code Citation): Ownership and Responsible Personnel (35 Ill. Adm. Code 603)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. The proposal will seek to amend the public water supply rules found in 35 Ill. Adm. Code 603 to make these rules consistent with the Public Water Supply Operations Act.
- B) Statutory Authority: Implementing and authorized by Sections 17, 27, and 28 of the Environmental Protection Act [415 ILCS 5/17, 27 & 28].
- 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 and 28]
- D) Date agency anticipates First Notice: The Agency submittal of the rulemaking proposal is anticipated within the next six months. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 and 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) Effect 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. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the substantive permitting requirements will likely remain unchanged. 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 to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Ave. East  
Springfield, Illinois 62794  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Joanne M. Olson  
Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544



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aa) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R13-2

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

The Board has reserved this docket number to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) made in the period January 1, 2012 through June 30, 2012. USEPA amended these regulations on May 2, May 18, and June 28, 2012.

**May 2, 2012 (77 Fed. Reg. 26072)**

Description of the USEPA action: USEPA adopted the third installment of the Unregulated Contaminants Rule (UCMR 3). USEPA implements the UCMRs, including UCMR 3, with or without the assistance of the state, but not requiring any state to incorporate UCMR elements into the state program. Included with the UCMR 3 rule was a series of updates to analytical methods for regulated contaminants (nitrate, nitrite, and orthophosphate), which are not related to the UCMR.

Prospective necessary Board action in response: The Board must incorporate the analytical methods updates for regulated contaminants (nitrate, nitrite, and orthophosphate) that are not related to the UCMR 3 rules.

**May 18, 2012 (77 Fed. Reg. 29758)**

Description of the USEPA action: USEPA revised the testing procedures approved for analyses under the Clean

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Water Act. Included were new and revised USEPA methods and new and revised methods published by voluntary consensus standard bodies, like ASTM Internationals and the Standard Methods Committee. USEPA amended 40 C.F.R. 136.

Prospective necessary Board action in response: The methods of 40 C.F.R. 136 are incorporated by reference in Part 611. Board action will be required on to update the incorporation by reference.

**June 28, 2012 (77 Fed.Reg. 38523)**

Description of the USEPA action: USEPA approved alternative equivalent analytical methods for use in demonstrating compliance with the drinking water standards. USEPA added 10 alternative methods for analyzing a variety of organic, inorganic, and microbiological contaminants.

Prospective necessary Board action in response: The Board must amend the corresponding segments of 35 Ill. Adm. Code 611 to add the newly approved alternative equivalent methods to appropriate segments of the Illinois drinking water regulations.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. On October 18, 2012, the Board adopted a proposal for public comment.

- 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: 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 anticipates that it will publish notice in the *Illinois Register* on February 15, 2013.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-2, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-2, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601  
(312)814-6924  
Michael.Mccambridge@illinois.gov

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G) Related rulemakings and other pertinent information: 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.

bb) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R13-12

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

The Board has reserved this docket to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any amendments to the federal SDWA national primary drinking water regulations that occurred during this update period.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

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].

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- 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 expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the Illinois Register approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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 in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-12, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-12, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Michael.mccambridge@illinois.gov

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

cc) 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)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Docket number R13-13

- 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 this docket to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

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

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the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- 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.
- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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 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 R13-13, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-13, as follows:

Michael J. McCambridge, Attorney

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Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312)814-6924  
Michael.Mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for the period July 1, 2011 through December 31, 2011 and other, as yet unknown, unrelated Board proceedings may affect the text of 35 Ill. Adm. Code 702, 705, and 720. No other presently known proceeding would affect 35 Ill. Adm. Code 704, 730, 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.

dd) 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)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)



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Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R13-5

- 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 this docket 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, 2012 through June 30, 2012. USEPA amended these regulations on April 13 and May 18, 2012.

**April 13, 2012 (77 Fed. Reg. 22226)**

Description of the USEPA action: USEPA made a limited number of corrections and clarifications to two diverse hazardous waste requirements. The provisions relate to the standards for (1) recyclable materials used in a manner that constitutes disposal; and (2) the hazardous waste listing for K 107 waste (column bottoms from production of 1, 1-dimethylhydrazine from carboxylic acid hydrazides).

Prospective necessary Board action in response: The Board must update the language to the incorporation by reference in the Illinois regulations.

**May 18, 2012 (77 Fed. Reg. 29758)**

Description of the USEPA action: USEPA approved new and revised methods for use in demonstrating compliance with the Clean Water Act. The amendments include a revision of an incorporation by reference of one method in the body of the hazardous waste regulations.

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Prospective necessary Board action in response: The Board must update language to the incorporation by reference.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. On November 1, 2012, the Board issued a proposal for public comment.

- 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.
- D) Date agency anticipates First Notice: The anticipates that notice will be published in the *Illinois Register* on December 28, 2012 to allow time for a 45-day public comment period.
- 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 R13-5, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-5, as follows:

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POLLUTION CONTROL BOARD

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Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312)814-6924  
Michael.Mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other presently known proceeding would affect 35 Ill. Adm. Code 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, or 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.

ee) 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)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)  
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

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- 1) Rulemaking: Docket number R13-15
- 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 this docket to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any amendments to the federal RCRA Subtitle C hazardous waste regulations that occurred during this update period.
- Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.
- 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.
- D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days

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before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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 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 R13-15, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-15, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
Michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: The reserved UIC update docket for the period July 1, 2012 through December 31, 2012 (R13-13) and other, as yet unknown, unrelated Board proceedings may affect any of 35 Ill. Adm. Code 702, 705, and 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 721 through 728, 733, and 739 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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

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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.

ff) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R13-16

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 this docket to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any amendments to the federal UST regulations that occurred during this update period.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal amendments that may require Board action. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss this docket if no action is needed.

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].

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- 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 expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will 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 owns or operations USTs.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-16, as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-16, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312)814-6924  
Michael.Mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other presently known proceeding would impact the text of Part 731.

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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.

- gg) Part (Heading and Code Citations): Petroleum Underground Storage Tanks (Releases Reported On or After June 24, 2002) (35 Ill. Adm. Code 734)
- 1) Rulemaking: No docket presently reserved.
    - A) Description: The Illinois Environmental Protection Agency (Illinois EPA) is planning to propose conforming amendments to the Board's regulations at Part 734 resulting from amendments to the Board's regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO).
    - B) Statutory Authority: Sections 5, 22, 27, and 57.14A of the Environmental Protection Act (Act) [415 ILCS 5/5, 22, 27, 57.14A].
    - 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: The Illinois EPA may submit a proposal to the Board within the next six months, 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: This rulemaking may affect small businesses, small municipalities, or not-for-profit corporations that are addressing a release of petroleum under the Board's Leaking Underground Storage Tank rules or that seek payment from the Underground Storage Tank Fund.
    - F) Agency Contract person for information: Address written comments concerning the substance of the rulemaking as follows:



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John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
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Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

For information regarding the development of these rules please contact:

Stephanie Flowers  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[Stephanie.Flowers@illinois.gov](mailto:Stephanie.Flowers@illinois.gov)

- G) Related rulemakings and other pertinent information: Docket number R11-9: In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.

hh) Part (Headings and Code citation): Site Remediation Program; (35 Ill. Adm. Code 740)

1) Rulemaking: No docket presently reserved.

- A) Description: The Site Remediation Program (“SRP”) is one of the Illinois Environmental Protection Agency’s (“Illinois EPA”) primary remediation programs for the cleanup of contaminants released to soil or groundwater. Remediation sites from throughout Illinois participate in the SRP. Periodically, it is necessary to amend program rules to account for new

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scientific data, updated technical references, and necessary administrative changes to the implementation of the rules. To that end, the proposed amendments are intended to ensure that the rules stay current.

- B) Statutory Authority: Sections 4(i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]
- 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: The Illinois EPA anticipates submitting its proposal in the Spring or Summer of 2012 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: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation pursuant to the Site Remediation Program. In most cases, participation in the SRP is voluntary, the exception being participation under Board or court orders arising out of enforcement actions.
- F) Agency contract person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
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JANUARY 2013 REGULATORY AGENDA

[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

- G) Related rulemakings and other pertinent information: For information regarding the development of these amendments please contact:

Kim Geving  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
[Kim.Geving@illinois.gov](mailto:Kim.Geving@illinois.gov)

- ii) Part (Headings and Code Citation): Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

- 1) Rulemaking: Docket number R11-9

- A) Description: On April 19, 2012, the Board adopted an opinion and order (TACO) rules (35 Ill. Adm. Code 742). The rulemaking is captioned Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, docket R11-9. Since 1997, the TACO rules have provided procedures for developing remediation objectives based upon risks posed to human health by environmental conditions at a variety of sites. TACO is used at sites being remediated under any one of several regulatory programs: Leaking Underground Storage Tank (UST) Program; Site Remediation Program (SRP); and Resource Conservation and Recovery Act (RCRA) Part B Permits and Closure Plans.

The first-notice amendments include the addition of a new exposure route under TACO: the indoor inhalation exposure route. To protect building occupants, this exposure route addresses the potential for vapors to migrate into buildings from underlying volatile chemicals in soil or groundwater, a process commonly known as “vapor intrusion” or “VI.” The Board also proposed adding 13 chemicals to the TACO tables based upon the Board’s pending rulemaking on groundwater quality standards, captioned Proposed Amendments to Groundwater Quality Standards (35

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Ill. Adm. Code 620), docket R08-18. Further, the first-notice amendments to TACO update physical and chemical parameters and revise toxicity values in accordance with the new United States Environmental Protection Agency hierarchy for selecting human health toxicity values.

The R11-9 rulemaking was initiated when the Illinois Environmental Protection Agency (IEPA) filed a proposal with the Board on November 9, 2010, under Section 27 of the Environmental Protection Act [415 ILCS 5/27]. After conducting two public hearings and receiving public comments, the Board adopted, for first notice, the amendments proposed or agreed to by IEPA, with minor clarifying changes. In addition, the Board proposed requiring that IEPA be notified if an indoor inhalation building control technology at a school is rendered inoperable. The Board also proposed that the entire set of amendments would become effective on a date certain 60 days after their final adoption. For further information, please refer to the Board's first-notice opinion and order of April 19, 2012, which is available through the Clerk's Office On-Line (COOL) on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- B) Statutory Authority: These amendments were proposed pursuant to Section 27 of the Environmental Protection Act [415 ILCS 5/27].

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- C) Scheduled Meeting/Hearing Dates: The Board held two hearings in this rulemaking as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]. The first hearing took place in Springfield on March 29, 2011, and the second hearing took place in Chicago on May 24, 2011.
- D) Date Agency Anticipates First Notice: First notice was published in the *Illinois Register* on May 18, 2012.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments could impact any small business, small municipality, or not-for-profit corporation in a regulatory program subject to TACO remediation objectives (*i.e.*, Leaking UST Program; SRP; RCRA Part B Permits and Closure Plans). In addition to the professional skills currently necessary to comply with the existing TACO regulations, compliance with the amendments may involve addressing the indoor inhalation exposure route through the sampling/analysis of soil gas and the design/installation of building control technologies, such as sub-slab depressurization (SSD) systems or vented raised floors. Along with better protecting building occupants from migrating volatile chemicals, the addition of the indoor inhalation exposure route to TACO is expected to facilitate property transactions and provide expanded liability relief to property owners. Also, where a school receives an NFR letter based upon the use of an indoor inhalation building control technology, the site owner/operator must notify IEPA upon the building control technology being rendered inoperable.

The amendments are proposed to become effective on a date certain 60 days after their final adoption by the Board. The delayed effective date would help to accommodate those entities with sites near closure who wish to submit remediation completion documentation to IEPA in order to receive a No Further Remediation (NFR) letter in accordance with the existing TACO regulations. The Board found that the amendments are technically feasible and economically reasonable and will not have an adverse economic impact on the People of Illinois.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking to:

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JANUARY 2013 REGULATORY AGENDA

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Richard McGill  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312)814-6983  
richard.mcgill@illinois.gov

- G) Related Rulemaking and other pertinent information: For information regarding the development of these amendments, please contact:

Kimberly A. Geving  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544  
kimberly.geving@illinois.gov

jj) Part (Headings and Code Citation):

Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code 855)  
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to remove the requirements for non-hazardous special waste manifests to be sent to the Agency except in the case of non-hazardous special waste containing polychlorinated biphenyls.

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- B) Statutory Authority: These amendments will be proposed pursuant to Sections 21, 22, 22.01, and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, and 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 Environmental Protection Act [415 ILCS 5/27, 28].
- D) Date Agency Anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- 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 generating or receiving non-hazardous special waste in Illinois.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Ave. East  
Springfield, Illinois 62794  
(217)524-8509  
carol.webb@illinois.gov

- G) Related Rulemaking and other pertinent information: For information regarding the development of these rules, please contact:

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JANUARY 2013 REGULATORY AGENDA

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Illinois Environmental Protection Agency  
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(217)782-5544  
Stephanie.Flowers@illinois.gov

kk) 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: Docket number R13-14

- 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 this docket to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards. The Board will then



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propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure, or dismiss this docket if no action is needed.

- 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 expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this 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 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 R13-14 as follows:

John T. Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-14, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board

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Chicago, Illinois 60601  
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Michael.Mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: 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.
- II) Parts (Heading and Code Citation): Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)
- 1) Rulemaking: Docket number R13-8
- A) Description: The Board proposes to amend its solid waste and special waste hauling rules to implement Public Act 97-1081, effective August 24, 2012. The statutory revision amends Section 22.2(1) of the Act by extending the duration of special waste hauling permits from one year to three years. The Board proposes to amend Section 809.212 to make it consistent with this statutory change, and also proposes to amend Section 809.204(a) to clarify that the special waste hauling permit application fees are established by statute.
- B) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27] (see P.A. 90-219).
- C) Scheduled meeting/hearing dates: Hearings are scheduled for October 18, 2012 in Chicago, and November 15, 2012 in Springfield.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments was published in the *Illinois Register* on October 5, 2012.

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- E) Affect on small businesses, small municipalities or not for profit corporations: This rule will affect special waste haulers.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Tim Fox  
Pollution Control Board  
100 W. Randolph St.  
Chicago, Illinois 60601  
Tim.fox@illinois.gov  
(312) 814-6085

- G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox  
Pollution Control Board  
100 W. Randolph St.  
Chicago, Illinois 60601  
[tim.fox@illinois.gov](mailto:tim.fox@illinois.gov)  
(312) 814-6085

mm) Part (Headings and Code Citation): Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (Agency) plans to update the Board's regulations to be consistent with legislative

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amendments to Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1] resulting from Public Act 97-887.

- B) Statutory Authority: These amendments will be proposed pursuant to Sections 21.1 22, 22.40 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22, 22.40 and 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 Environmental Protection Act [415 ILCS 5/27, 28].
- D) Date Agency Anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- 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 owning or operating a municipal solid waste landfill or other waste disposal operation.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Ave. East  
Springfield, Illinois 62794  
Carol.webb@illinois.gov

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- G) Related Rulemaking and other pertinent information: For information regarding the development of these rules, please contact:

Stephanie Flowers  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544  
[Stephanie.Flowers@illinois.gov](mailto:Stephanie.Flowers@illinois.gov)

- nn) Part (Headings and Code Citation):

Procedural Requirements for Permitting Compost Facilities (35 Ill. Adm. Code 832)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)  
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to extend the permit term for landfills and compost facilities from 5 years to 10 years and requiring a cost estimate for closure, postclosure and corrective action to be evaluated and adjusted as necessary every five years.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 21, 21.1, 22, 22.40, 27 and 39 of the Environmental Protection Act [415 ILCS 5/21, 21.1, 22, 22.40, 27 and 39].
- 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 Environmental Protection Act [415 ILCS 5/27, 28].

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- D) Date Agency Anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
- 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 operating a landfill or a compost facility in Illinois.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board  
1021 North Grand Ave. East  
Springfield, Illinois 62794  
Carol.Webb@illinois.gov

- G) Related Rulemaking and other pertinent information: For information regarding the development of these rules, please contact:

Stephanie Flowers  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217)782-5544  
[Stephanie.Flowers@illinois.gov](mailto:Stephanie.Flowers@illinois.gov)

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oo) Part (Headings and Code Citations): Management of Used and Waste Tires (35 Ill. Adm. Code 848)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, changes necessary to make the Board's rules consistent with amendments to Title XIV of the Act resulting from P.A. 92-0024.

B) Statutory authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].

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: The Agency may submit a proposal to the Board within the next six months, 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: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb  
Pollution Control Board

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1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

- G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stephanie Flowers  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217)782-5544  
[stephanie.flowers@il.gov](mailto:stephanie.flowers@il.gov)

- pp) Part (Heading and Code Citation): Clean Construction or Demolition Debris Fill Operations and Uncontaminated Soil Fill Operations (35 Ill. Adm. Code 1100)

- 1) Rulemaking: Docket Number R12-9 Subdocket B
- A) Description: At the recommendation of JCAR, the Board opens Subdocket B to continue to examine the issue of groundwater monitoring at CCDD or uncontaminated soil fill operations.
- B) Statutory authority: Implementing and authorized by Sections 5, 3.160, 22.51, 22.51a, and 27 of the Environmental Protection Act [415 ILCS 5/5, 3.160, 22.51, 22.51a & 27].
- C) Scheduled meeting /hearing date: The Board has not scheduled any hearings in this matter.
- D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.



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- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation operates CCDD or uncontaminated soil fill operations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord  
Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
312-814-4925  
Marie.Tipsord@illinois.gov

- G) Related rulemaking and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Marie Tipsord  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
312-814-4925  
Marie.Tipsord@illinois.gov

qq) Part (Headings and Code Citation): Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination (35 Ill. Adm. Code 1600).

- 1) Rulemaking: No docket presently reserved.

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- A) Description: Subpart C of Part 1600 contains “Standards and Requirements for Community Relations Activities.” The purpose of Subpart C is to establish minimum standards and requirements for the development and implementation of community relations activities in accordance with Section 25d-7 of the Environmental Protection Act (Act) [415 ILCS 5/25d-7]. The Illinois Environmental Protection Agency (Illinois EPA) is planning to propose conforming amendments to the Board’s regulations at Part 1600 resulting from amendments to the Board’s regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO) for threats from indoor inhalation of vapors from certain contaminants.
- B) Statutory Authority: Section 25d-7 of the Environmental Protection Act [415 ILCS 5/25d-7]
- 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: The Agency may submit a proposal to the Board within the next six months, 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 corporations will not be affected by the proposal unless they are addressing a release of contaminants pursuant to Pollution Control Board rules. For those who fall within the criteria for community relations activities and whose release of contaminants poses a threat to human health and safety from the indoor inhalation of vapors, the development and implementation of a community relations plan may be required.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk  
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:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

For information regarding the development of these amendments please contact:

Mark Wight  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
[Mark.Wight@epa.state.il.us](mailto:Mark.Wight@epa.state.il.us)

- G) Related rulemaking and other pertinent information: Docket number R11-9: In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.