**Section 2175.535 Rules Identical-In-Substance to Federal Regulations**

a) The Board adopts regulations in the following programs under Section 7.2 of the Act (415 ILCS 5/7.2) that are identical-in-substance to federal regulations and which are exempt from Sections 5-35 and 5-40 of the IAPA (5 ILCS 100/5-35 and 5-40):

1) Exemptions from the definition of volatile organic material: Section 9.1(e) of the Act [415 ILCS 5/9.1(e)];

2) Ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere: [415 ILCS 5/10(H)];

3) Underground injection control (UIC): Section 13(c) of the Act [415 ILCS 5/13(c)];

4) Wastewater pretreatment: Section 13.3 of the Act [415 ILCS 5/13.3)],

5) Safe Drinking Water Act (SDWA): Section 17.5 of the Act [415 ILCS 5/17.5)];

6) Resource Conservation and Recovery Act (RCRA), Subtitle C, hazardous waste: Section 22.4(a) of the Act [415 ILCS 5/22.4(a)];

7) RCRA, Subtitle I, UST: Section 22.4(d) of the Act [415 ILCS 22.4(d)];

8) RCRA, Subtitle D, municipal solid waste landfills: Section 22.40(a) of the Act [415 ILCS 5/22.40(a)].

b) Section 7.2(b) of the Act [415 ILCS 5/7.2(b)] provides timetables for rule adoption, but generally the Board must adopt rules within one year after the United States Environmental Protection Agency's (USEPA) adoption of the corresponding federal rule. The Board adopts a proposal for public comment that is published in the Illinois Register. The Board then accepts public comments for 45 days, after which the Board adopts final rules that are published in the Illinois Register.

c) Because Sections 5-35 and 5-40 of the IAPA [5 ILCS 100/5-35 and 5-40] do not apply to identical-in-substance rulemaking under Section 7.2 of the Act [415 ILCS 5/7.2], the Board does not follow the IAPA's procedure of first notice, second notice, and final adoption.

(Source: Amended at 48 Ill. Reg. 15643, effective September 18, 2024)