

From: [McGill, Richard](#)
To: [Brown, Don](#)
Subject: docket as PC in R19-18
Date: Thursday, November 21, 2019 2:07:41 PM

Mr. Clerk:

Please docket this forwarded email exchange—between Jonathan Eastvold of JCAR and me—as a public comment in R19-18.

Thank you.

Richard R. McGill, Jr.
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From: McGill, Richard
Sent: Thursday, November 21, 2019 2:03 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: Part 809 questions

Good afternoon, Jonathan:

Thank you for your close review. Below are our responses (**red font**) to your questions. For convenience, I've repeated your questions (**bold font**) and followed each with our response .

1. **TOC: Agency draft omitted several repealed Sections and marked some Subparts for repeal. This cannot be done through a normal rulemaking. Would you like us to draft a recodification that cleans up the TOC?**

No, thank you.

We used inaccurate text here, causing the inadvertent omissions. The existing table of contents (TOC) will be accurately reflected at second notice.

We propose only amending text in two existing sections, not

repealing any subparts.

2. **TOC, entry for 809.302: Agency draft omitted “or Hazardous Waste” from this line; existing rule includes these words.**

Our copy of the Code correctly omits the words “or Hazardous”, which were stricken, effective July 18, 2012. See 36 Ill. Reg. 12332, 12336 (Aug. 3, 2012).

However, in the pending rulemaking, we used inaccurate text here, causing the inadvertent restoration of “or Hazardous” in the first-notice proposal. The existing TOC entry for 809.302 will be accurately reflected at second notice.

3. **TOC, entry for Appendix A: Agency draft omits this line.**

We used inaccurate text here, causing the inadvertent omission. The existing TOC entry for Appendix A will be accurately reflected at second notice.

4. **Authority note: Is the reference to PA 90-219 still necessary, or can it be omitted?**

The reference should be omitted as unnecessary. We will remove it at second notice.

5. **809.103, “On-site”, first line: The book shows that “pursuant” has already been replaced by “under”. Are we in error?**

No, you are correct. Our copy of the Code correctly shows “under”.

However, we used inaccurate text here, resulting in the unnecessary proposal to strike “pursuant to” and add “under” at first notice. The existing text—without proposed amendment—will be accurately reflected at second notice.

6. **809.103, “Special waste”, penultimate paragraph: “of Title 35 of the Illinois Administrative Code” (marked in agency draft as stricken) was eliminated by an earlier rulemaking.**

Our copy of the Code correctly excludes “of Title 35 of the Illinois Administrative Code”.

However, we used inaccurate text here, causing the inadvertent restoration of (and the proposed striking of) “of Title 35 of the Illinois Administrative Code” in the first-notice proposal. The existing text—without proposed amendment—will be accurately reflected at second notice.

If you have any concerns or other questions, please let me know.

Best regards,

Richard

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Monday, November 18, 2019 2:26 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] Part 809 questions

Richard –

I hope your autumn has been productive and happy.

We’ve been looking at your proposal for Part 809, and have the following questions/notes:

1. TOC: Agency draft omitted several repealed Sections and marked some Subparts for repeal. This cannot be done through a normal rulemaking. Would you like us to draft a recodification that cleans up the TOC?
2. TOC, entry for 809.302: Agency draft omitted “or Hazardous Waste” from this line; existing

rule includes these words.

3. TOC, entry for Appendix A: Agency draft omits this line.
4. Authority note: Is the reference to PA 90-219 still necessary, or can it be omitted?
5. 809.103, "On-site", first line: The book shows that "pursuant" has already been replaced by "under". Are we in error?
6. 809.103, "Special waste", penultimate paragraph: "of Title 35 of the Illinois Administrative Code" (marked in agency draft as stricken) was eliminated by an earlier rulemaking.

Thanks in advance for your help.

Sincerely,

Jonathan

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