

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>AMENDMENTS TO DEFINITION OF</b>	)	<b>R20-17</b>
<b>“CLASS 4 ETIOLOGIC AGENT”,</b>	)	<b>(Identical-in-Substance</b>
<b>35 ILL. ADM. CODE 1420.102</b>	)	<b>Rulemaking - Biological Materials)</b>

**NOTICE OF FILING**

TO: See attached Certificate of Service.

**PLEASE TAKE NOTICE**, that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **ILLINOIS EPA COMMENTS**, a copy of which is herewith served upon you.

Respectfully submitted,  
**ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY**

By: /s/ John M. McDonough II  
John M. McDonough II  
Assistant Counsel  
Division of Legal Counsel

DATED: September 24, 2020

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**ILLINOIS EPA COMMENTS**

**NOW COMES**, the Illinois Environmental Protection Agency (“Agency” or “Illinois EPA”), through counsel, and pursuant to the Illinois Pollution Control Board’s (“Board”) December 19, 2019 Opinion and Order, submits the following comments in the above captioned matter.

Prior to creating the current docket R20-17, the Board had initiated a rulemaking R18-29. On September 4, 2018, the Illinois EPA filed Illinois EPA Comments on questions posed by the Board within R18-29. On December 19, 2019, the Board created R20-17 and within its Order requested public comment on the two following questions.

The Board’s questions and Illinois EPA’s comments follow:

1. Board question: *“Should any other etiologic agents listed in CDC, NIH, or BMBL documents be added to the definition of “class 4 etiologic agent?”*

Illinois EPA comment: No.

2. Board question: *“Should any agents from the Federal Select Agents and Toxins list be added to the definition of “class 4 etiologic agent?”*

Illinois EPA comment: No.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY**

By: /s/ John M. McDonough II  
 John M. McDonough II  
 Assistant Counsel  
 Division of Legal Counsel

DATED: September 24, 2020

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**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, affirm that I have served the attached **ILLINOIS EPA COMMENTS**, on behalf of the Illinois EPA, upon the following person(s) by e-mailing it to the e-mail address(es) indicated below or, if no e-mail address is provided, by placing a true copy, in an envelope duly addressed and bearing proper first class postage, in the United States mail at Springfield, Illinois on September 24, 2020:

TO:

Illinois Pollution Control Board  
Don Brown, Clerk  
Chloe Cummings, Hearing Officer  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
don.brown@illinois.gov  
chloe.cummings@illinois.gov

Illinois Department of Natural Resources  
Office of General Counsel  
One Natural Resources Way  
Springfield, Illinois 62702  
Renee.Snow@illinois.gov

Office of the Attorney General  
Environmental Bureau North  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
ntikalsky@atg.state.il.us

I affirm that my e-mail address is john.mcdonough@illinois.gov; the number of pages in the e-mail transmission is 5; and the e-mail transmission took place today before 5:00 PM. If you prefer service by mail, please contact me and a copy will be mailed to you.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY**

By: /s/ John M. McDonough II  
John M. McDonough II  
Assistant Counsel

Division of Legal Counsel

DATED: September 24, 2020

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