

**From:** [McGill, Richard](#)  
**To:** [Brown, Don](#)  
**Cc:** [Fox, Tim](#)  
**Subject:** FW: R18-23 (Register issue 20)  
**Date:** Tuesday, January 17, 2023 10:28:11 AM  
**Attachments:** [35-305 JCAR Sugg Chgs.pdf](#)  
[image001.png](#)  
[35-305RG-P r01.pdf](#)

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Good morning, Mr. Clerk:

Please docket this email exchange with JCAR, including the two attachments, as a public comment in R18-23.

Thank you.

Richard R. McGill, Jr.  
Senior Attorney for Research & Writing  
Illinois Pollution Control Board  
60 E. Van Buren St., Suite 630  
Chicago, Illinois 60605  
[richard.mcgill@illinois.gov](mailto:richard.mcgill@illinois.gov) (312) 814-6983



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**From:** McGill, Richard  
**Sent:** Tuesday, January 17, 2023 10:16 AM  
**To:** Eastvold, Jonathan C. <[JonathanE@ilga.gov](mailto:JonathanE@ilga.gov)>  
**Subject:** RE: R18-23 (Register issue 20)

Good morning, Jonathan:

I've attached two documents. The first document contains Board staff responses to your proposed Part 305 changes emailed to me on May 26, 2022. The second document is the JCAR line-numbered r01 referenced in your changes and our responses. Our responses include related changes prompted by your suggestions.

Thank you for your careful review. Please let me know if you have any questions.

Best regards,

Richard

Richard R. McGill, Jr.  
Senior Attorney for Research & Writing  
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60 E. Van Buren St., Suite 630  
Chicago, Illinois 60605

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**From:** Eastvold, Jonathan C. <[JonathanE@ilga.gov](mailto:JonathanE@ilga.gov)>  
**Sent:** Thursday, May 26, 2022 1:36 PM  
**To:** McGill, Richard <[Richard.McGill@illinois.gov](mailto:Richard.McGill@illinois.gov)>  
**Subject:** [External] R18-23 (Register issue 20)

Richard –

Attached are suggested first notice changes for the PCB rules published in Issue 20 of the *Illinois Register*. A few notes:

1. USC vs. U.S.C. – Kim changed these to U.S.C. at publication to comply with the style guide. I understand that we've been changing U.S.C. to USC for years now and that the Board can't turn on a dime and easily reverse all of those earlier changes. JCAR's position is that we should make sure that the references in current and future rulemakings say U.S.C. but that having several residual USCs hanging about in the Code until their Sections are reopened shouldn't cause too much confusion.
2. IAC citations: We appreciated the initiative to make IAC citations more precise. Citations to other Parts should be preceded by "35 Ill. Adm. Code". However, across the Code the convention is for internal cross-references to refer to Section ###.### rather than to use the longer format. In the changes proposed, we did our best to standardize this.
3. Subsection headings: Although the convention in the CFR is for a subsection heading to capitalize only the first word and end with a period, the convention in the IAC is to use title case and no punctuation (unless the text of the subsection starts on the same line of the heading, in which case a period is added).
4. We've made a number of suggested changes to further clarify and simplify the language in these Parts in the spirit of the Board's initiative. Many of these would have been unilaterally made by Vicki at publication, but JCAR's current approach is much more collaborative. If we have been too aggressive in our proposals, please don't feel obliged to accept them.
5. Moving forward, especially on the really big rulemakings, would it be possible for the Board to submit revisions in predraft form first? That would enable changes to phrases that occur quite frequently without the need for individually written amendments (the number of proposals we've made for Part 307 is somewhat exceptional, and I imagine neither agency really relishes the prospect of similar lists...).

Thanks in advance for your consideration. Please let me know if you have any questions or concerns.

All the best,

Jonathan

Jonathan C. Eastvold, Ph.D.  
Rules Analyst III

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Joint Committee on Administrative Rules  
700 Stratton Building  
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217-524-9010

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**Board staff responses and related changes (1/17/23) appear in bold, red font below.**

## **SUGGESTED FIRST NOTICE CHANGES**

**Agency:** Pollution Control Board

**Rulemaking:** Monitoring and Reporting (35 Ill. Adm. Code 305; 46 Ill. Reg. 7248)

### **Changes:**

1. In line 39, strike "quantity" and add "quantities".

**Agree.**

2. In line 61, change "For" to "To enable" and strike "the ability of".

**Agree.**

*jce*  
5/26/22

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 305  
MONITORING AND REPORTING

Section

- 305.101 Preamble
- 305.102 Reporting Requirements
- 305.103 Effluent Measurement
- 305.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 8 Ill. Reg. 1604, effective January 18, 1984; amended in R88-1 at 13 Ill. Reg. 5989, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2888, effective February 13, 1990; amended in R18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 305.101 Preamble**

This Part establishes requirements to monitor, report, and measure contaminant discharges.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 305.102 Reporting Requirements**

- a) Every person within this State operating a pretreatment works, treatment works, or wastewater source must submit operating reports to the Illinois Environmental Protection Agency at a frequency to be determined by the Agency. The reports must contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; information concerning the biological impact of the discharge as specified by the Agency, under Section 39 of the Act; and any additional information the Agency may reasonably require. For pretreatment works, this reporting requirement only applies to those pretreatment works required to have a pretreatment permit or authorization to discharge under to 35 Ill. Adm. Code 310.
- b) Every holder of an NPDES (National Pollutant Discharge Elimination System)

## 1<sup>st</sup> Notice

JCAR350305-2207248r01

45 permit must comply with the monitoring, sampling, recording and reporting  
46 requirements in the permit and this Chapter.  
47

48 c) Complying with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this  
49 reporting requirement.  
50

51 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
52

### 53 **Section 305.103 Effluent Measurement** 54

55 For the ability of the Agency to inspect and investigate under Section 4(d) of the Act, all effluent  
56 discharge sewers, pipes or outfalls must be designed or modified so that a sample of the effluent  
57 can be obtained at a point after the final treatment process and before discharge to or mixing with  
58 any waters of the State. All treatment works must include devices for taking samples and for  
59 measuring and recording effluent flow as the Agency may reasonably require.  
60

61 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
62

**1<sup>st</sup> Notice**

JCAR350305-2207248r01

63 **Section 305.APPENDIX A References to Previous Rules (Repealed)**

65

66 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)