

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [McCambridge, Michael](#); [Fox, Tim](#); [Pauley, Daniel](#)
Subject: docket PC in R19-11
Date: Tuesday, May 7, 2019 12:30:32 PM

Good afternoon, Mr. Clerk:

Please docket this email correspondence with JCAR as a public comment in R19-11.

If you have any questions, please let me know. Thank you.

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(312) 814-6983

From: McGill, Richard
Sent: Tuesday, May 7, 2019 12:28 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: R19-11: Part 725

Good afternoon, Jonathan:

Our responses appear below in **bold font** after your corresponding inquiries:

1. 725.111, Board note: Should "on-line" be "online"?

Either form is considered acceptable. See, e.g., Garner's Modern American Usage, 3rd Ed.; Dictionary.com. However, the Board prefers the hyphenated form, consistent with its "Clerk's Office On-Line." "On-line" appears 21 times in the Board's hazardous waste rules. "Online" appears only twice. See 35 Ill. Adm. Code 720.111(a), OECD Board Note; 722.117(a)(7)(A)(i). For consistency, the Board will amend the two unhyphenated appearances in a future rulemaking.

2. 725.212(a): "the effective date of this rule" → At adoption, could you please replace this with an actual date?

The first sentence of Section 725.212(a) reads: "Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous

waste management facility must have a written closure plan.” The Board cannot provide a specific date and remain consistent with and as stringent as the corresponding federal rule. The Board rule duplicates the phrasing of 40 C.F.R. § 265.112(a), which contemplates both that a future rulemaking may first subject a facility to the closure plan requirements and that a past rulemaking may have first subjected a facility to the closure plan requirements.

3. 725.212(d)(4), "Sections 725.190 et seq." → Would it be possible to change this to "Sections 725.190 through 725.###"?

The abbreviation “*et seq.*” (for “*et sequentes*”) signifies those sections in a sequence that immediately follow a given section. Here, the given section is Section 725.190; the sections that immediately follow in sequence are Sections 725.191 through 725.194. The next numbered section is Section 725.210, which is not in sequence. Accordingly, "Sections 725.190 et seq." refers to Subpart F of 35 Ill. Adm. Code 725. Subpart F of Part 725 corresponds with “subpart F of this part” in corresponding 40 C.F.R. § 265.112(d)(4). Changing “Sections 725.190 et seq.” to “Sections 725.190 through 725.194” would risk inconsistency with the federal rule if USEPA revises subpart F to remove or add sections. In a future rulemaking, the Board will consider replacing “Sections 725.190 et seq.” with a reference to Subpart F.

If you have any questions about our responses, please let me know. Thank you.

Best regards,

Richard

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Friday, May 3, 2019 3:22 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R19-11: Part 725

Richard --

Hope all is well.

A few minor items came up in our reading of this Part:

1. 725.111, Board note: Should "on-line" be "online"?
2. 725.212(a): "the effective date of this rule" → At adoption, could you please replace this with an actual date?
3. 725.212(d)(4), "Sections 725.190 et seq." → Would it be possible to change this to "Sections 725.190 through 725.###"?

Thanks in advance. Have a wonderful weekend.

Jonathan

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