

**From:** [McGill, Richard](#)  
**To:** [Brown, Don](#)  
**Cc:** [Fox, Tim](#); [Salk, Chloe](#)  
**Subject:** Fw: 35 IAC 820; 47 IR 1812  
**Date:** Friday, March 3, 2023 9:58:43 AM

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Good morning, Mr. Clerk:

Please docket this email from JCAR as a public comment in R23-17.

Thank you.

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**From:** Eastvold, Jonathan C. <JonathanE@ilga.gov>  
**Sent:** Thursday, March 2, 2023 10:39 AM  
**To:** McGill, Richard <Richard.McGill@illinois.gov>  
**Subject:** [External] 35 IAC 820; 47 IR 1812

Richard –

Hope all is well with you.

Here are our questions and proposed changes for this rulemaking.

Thanks!

Jonathan

Substantive questions:

Line 241: The address designated where by the agency?

Lines 340-341: What requirements that are necessary under the Act and this Part need to still be incorporated? This seems like the ideal place to stipulate what these are.

Lines 454-484, 491-500: These standards are really broad, and aren't exactly helpful. Where is it specified which equipment is necessary, what the minimal standards for shelter, sanitary facilities, and emergency communications are, and what fire protection equipment is necessary. What standards must the facility meet for dust control, surface water drainage, and run-on and runoff control? Admittedly facilities differ, but the standards to be applied need to be cross-referenced if elsewhere in rule or incorporated by reference if not.

Lines 712-714 and 718: "*in a form and format prescribed by the Agency*" → Something more than this needs to be added to the rule. We're not interested in having the precise forms listed, but some notion of the general format for storage should be provided.

Lines 818, 824, etc.: Not really a substantive question, but should it be "current approved closure

cost estimate" or "currently approved closure cost estimate"?

Generally: Sec. 22.38(n) requires the rules to contain "requirements for the separation and separate management of any clean construction or demolition debris that will be transported to a clean construction or demolition debris fill operation." Where are those requirements in the rule?

1. In line 57, change "pursuant to" to "under".
2. In line 87, change ", 11 U.S.C. 101, et seq." to "(11 U.S.C. 101 et seq.)".
3. In line 87, change "(a)" to a carriage return.
4. In line 88, change "(b)" to a carriage return.
5. In line 89, change "(c)" to a carriage return.
6. In line 89, change "case under Chapter 11" to "Chapter 11 case".
7. In line 90, change "case under Chapter 7" to "Chapter 7 case". Change the comma to "and".
8. In line 136, after "with" delete the comma.
9. In line 137, after "facilitate" delete the comma.
10. In line 149, delete "as".
11. In line 155, change "an" to "a direct or indirect". Delete ", directly or indirectly,".
12. In line 156, change "who has an interest, directly or indirectly, in" to "the".
13. In lines 156-157, delete ", including a leasehold interest,".
14. In line 159, after the period add ""Interest" includes a leasehold interest in the land.".
15. In line 163, change "their" to "its".
16. In line 167, delete "so as".
17. In line 168, delete the comma. After "and" add "disease".
18. In line 171, change "(i)" to a carriage return. Change "(ii)" to a carriage return.
19. In line 173, after the period add a carriage return.
20. In line 174, change "(i)" to a carriage return.
21. In line 175, change "(ii)" to a carriage return.
22. In line 177, delete "*subsection (b) of*".
23. In line 178, change "3.160" to "3.160(b)".
24. In line 179, change "(iii)" to a carriage return.
25. In line 189, change "such" to "this".
26. In line 223, after "operator" add "of a facility".
27. In lines 225-226, replace "*no later than 6 months after the effective date of this Part*" with an actual date.
28. In lines 229-230, replace "on the date this Part takes effect" with an actual date.
29. In line 231, delete the comma. Change "submit an application" to "apply". Change "their" to "that".
30. In lines 231-232, change "no later than one year after the effective date of this Part" to an actual date.
31. In lines 234-235, change "*one year after the effective date of rules adopted by the Board under this Part*" to an actual date.
32. In line 250, delete the comma.
33. In lines 256 and 258, change "1000" to "1,000".
34. In line 262, delete the comma.
35. In line 264, change "1000" to "1,000".
36. In line 268, change ", 42 U.S.C. 300f," to "(42 U.S.C. 300f et seq. at 300h-7)".
37. In line 270, delete "to". After "SDWA" add "(42 U.S.C. 300h-3)".
38. In line 272, after the subsection label add "the".
39. In line 295, delete "and".

40. In line 297, after "estimate" add a semicolon. After "and" add a carriage return, subsection label "6)", and "the".
41. In line 302, after "considered" add "to be".
42. In line 306, delete the comma.
43. In line 307, delete the first two commas. After "reasons" add "for that determination".
44. In line 314, change "from" to "after".
45. In lines 327-328, change "in accordance with" to "under".
46. In line 332, delete the commas.
47. In line 339, change "to identify" to "that identifies".
48. In line 340, change "incorporate" to "incorporates". Change "necessary under" to "of".
49. In line 359, change "pursuant to" to "under". After "IX" add a comma.
50. In line 364, delete "do not" and "until".
51. In line 365, change "it" to "notice of the modification".
52. In lines 365-366, delete "the pendency of".
53. In line 366, change "request" to "ask".
54. In line 377, change "*one year after the effective date of this Part*" to an actual date.
55. In lines 386-387, change "*any rules or regulations adopted thereunder*" to "and 35 Ill. Adm. Code 1100".
56. In line 392, change "regulations" to "rules".
57. In line 405, after "*disposed*" add "of".
58. In lines 411 and 413, change the period to a semicolon.
59. In line 415, change the period to "; or".
60. In line 437, change "must" to "may".
61. In lines 441 and 449, delete "situation".
62. In line 531, after "from" add "a".
63. In line 556., after "decontamination equipment," add "and".
64. In line 583, after "acceptance," add "an".
65. In line 584, change "ground level" to "ground-level".
66. In line 585, change "in accordance with" to "under".
67. In line 633, italicize "All putrescible recyclable GCDD".
68. In lines 634-635, italicize "transported off-site within 45 calendar days after receipt".
69. In line 637, italicize "All non-putrescible recyclable GCDD".
70. In line 638, italicize "transported off-site within", change "six" to "6", delete "calendar", and italicize "months after receipt".
71. In line 660, delete the comma.
72. In line 677, change "White good components" to "Components of white goods".
73. In lines 692-693, italicize "tagging and daily recordkeeping procedures to demonstrate compliance".
74. In line 697, italicize "identify the type".
75. In line 698, italicize "and transporter".
76. In line 702, italicize "identify the type" and "destination, transporter".
77. In line 717, delete "of this Section".
78. In lines 745-746, change ", in accordance with" to "under".
79. In line 762, after "closure" add a comma.
80. In line 767, change "beginning" to "the beginning of".
81. In line 771, after "from" add "the". Change "practically" to "practicably".
82. In lines 815-816, change "one year after the effective date of this Part" to an actual date.
83. In line 830, change "them" to "both".
84. In lines 854 and 855, change "their" to "the".

85. In line 870, change "in accordance with" to "under".
86. In line 876, change "in accordance with" to "under".
87. In line 898, change "(i)" to a colon, a carriage return, and subsection label "1)". After "820.305" add a semicolon.
88. In line 899, change "(ii)" to a carriage return and subsection label "2)".
89. In line 920, after "trust" add a comma.
90. In line 923, change "third party" to "third-party".
91. In line 932, delete "expiration of". After "period" add "expires".
92. In lines 938-939, change "in accordance with" to "under".
93. In line 942, change "prior to" to "before".
94. In lines 942-943, change "in accordance with" to "under".
95. In line 943, change "commences" to "starts".
96. In line 957, change "prior to" to "before".
97. In line 958, change "in accordance with" to "under".
98. In lines 968-969 and 970-971, change "in accordance with" to "under".
99. In line 969, change "prior to" to "before".
100. In line 971, delete "of this Section".
101. In line 1005, change "with respect to" to "for".
102. In line 1016, change "excess funds:" to "Excess Funds".
103. In lines 1020 and 1025, change "in excess of" to "over".
104. In line 1029, change "pursuant to" to "under".
105. In line 1032, change "in excess of" to "more than".
106. In line 1035, change "removal expenses:" to "Removal Expenses".
107. In line 1046, change "are in accordance" to "comply".
108. In line 1050, change "in accordance with" to "under".
109. In line 1055, delete "in order".
110. In lines 1067 and 1074, change "which" to "that".
111. In line 1089, change "amount:" to "Amount".
112. In line 1110, change "in accordance with" to "under".
113. In line 1125, after "with" add "the".
114. In line 1127, change "closure expenses:" to "Closure Expenses".
115. In line 1153, change "which" to "that".
116. In line 1158, delete the colon.
117. In line 1177, after "upon" add "the".
118. In line 1178, delete the comma.

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

Illinois General Assembly  
Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield IL 62706  
217-524-9010

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