

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Leoni, Carlie M.](#); [Bilbruck, Shannon O.](#)
Subject: FW: First Notice Documents from JCAR
Date: Friday, March 10, 2023 11:40:23 AM
Attachments: [Econ State Mandate.docx](#)
[35-502NT-P JCAR.docx](#)
[35-502RG-P r01 \(47-10\).pdf](#)
[Litera Compare Redline - 35-502RG-P Agency and 35-502RG-P r01 \(47-10\).pdf](#)
[image001.png](#)

Here's the second one.

Please docket in R18-25 this forwarded email and attachments from JCAR.

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 (312) 814-6983



From: Knudson, Cheryl J. <CherylK@ilga.gov>
Sent: Friday, March 10, 2023 9:33 AM
To: McGill, Richard <Richard.McGill@illinois.gov>
Cc: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: [External] RE: First Notice Documents from JCAR

First Notice documents are attached for your review:

- ECON State Mandate Letter
- Notice Page – (formatted)
- First Notice – Line Numbered Version (r01) – Please use this document to draft First Notice changes.
- Redline - Comparing: Agency Proposed vs. JCAR r01

If you have any questions or concerns, please contact Jonathan Eastvold @ 217-524- 9010.

Thank you,
Cheryl

Cheryl Knudson
Joint Committee on Administrative Rules

Illinois General Assembly
700 Stratton Building
Springfield, IL 62706

217.785.8993
cherylk@ilga.gov

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 502
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
502.101	Amendment
502.102	Amendment
502.103	Amendment
502.104	Amendment
502.105	Amendment
502.106	Amendment
502.201	Amendment
502.202	Amendment
502.204	Amendment
502.206	Amendment
502.207	Amendment
502.301	Amendment
502.303	Amendment
502.304	Amendment
502.305	Amendment
502.310	Amendment
502.315	Amendment
502.320	Amendment
502.325	Amendment
502.401	Amendment
502.402	Amendment
502.403	Amendment
502.500	Amendment
502.505	Amendment
502.510	Amendment
502.515	Amendment
502.520	Amendment
502.600	Amendment
502.605	Amendment
502.610	Amendment
502.615	Amendment
502.620	Amendment
502.625	Amendment
502.630	Amendment
502.635	Amendment

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

502.640	Amendment
502.645	Amendment
502.710	Amendment
502.720	Amendment
502.730	Amendment
502.800	Amendment
502.820	Amendment
502.830	Amendment
502.840	Amendment
502.APPENDIX A	Repealed

- 4) Statutory Authority: Implementing Sections 9, 10, 12, 13, 21 and 22 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9, 10, 12, 13, 21, 22 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: In 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. On January 10, 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update provisions within 35 Ill. Adm. Code Subpart E. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them. These proposed amendments to Part 502 include those submitted by IEPA and those identified separately by the Board. Both IEPA and the Board intend the amendments to be non-substantive clarifications.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-25 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:
- Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
- Interested persons may download copies of the Board's opinions and orders in R18-25 from the Board's Web site at pcb.illinois.gov and may also request copies by calling the Clerk's office at 312-814-3620.
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
- C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

The full text of the Proposed Amendments begins on the next page:

First Notice

JCAR350503-2303254r01

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 503
OTHER AGRICULTURAL AND SILVICULTURAL ACTIVITIES

Section

- 503.101 Fish and Aquatic Animal Production Facilities
503.102 Irrigation Activities
503.103 Silvicultural Activities

503.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 9, 12, 13, 21, and 22 of the Environmental Protection Act [415 ILCS 5/9, 12, 13, 21 and 22] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

SOURCE: Filed and effective January 1, 1978; amended at 2 Ill. Reg. 44, p. 137, effective October 30, 1978; codified at 7 Ill. Reg. 10596; amended in R18-25 at 47 Ill. Reg. _____, effective _____.

Section 503.101 Fish and Aquatic Animal Production Facilities

- a) National Pollutant Discharge Elimination System (NPDES) permits are required for the construction, modification, or operation of facilities such as hatcheries, fish farms or other facilities which contain, grow or hold aquatic animals in ponds, raceways or other similar structures for ~~purposes of production, that discharges and from which there is or may be a discharge~~ for any 30 or more days per year, except that NPDES permits are not required for:
- 1) Closed ponds ~~that~~~~which~~ discharge only during periods of excess runoff; or
 - 2) Facilities which produce less than 20,000 pounds of aquatic animals per year.
- b) NPDES permits are required for any fish or aquatic animal facility which contains, grows, or holds any species of fish or other aquatic animal life non-native to the United States, ~~and that discharges from which there is a discharge~~ to a navigable water at any time. The non-native species of fish are ~~as~~ defined in Special Publication No. 6 of the American Fisheries Society, entitled "A List of Common and Scientific Names of Fishes from the United States and Canada" (Washington, D.C., American Fisheries Society, 1970); except that carp

44 (Cyprinum carpio), goldfish (Carassius auratus) and brown trout (Salmo trutta)
45 are considered ~~to be~~ native species for ~~purposes of~~ this regulation.

46

47

48

(Source: Amended at 47 Ill. Reg. _____, effective _____)

49 **Section 503.APPENDIX A References to Previous Rules (Repealed)**

50

51 ~~The following table is provided to aid in referencing old Board rule numbers to section numbers~~
52 ~~pursuant to codification.~~

53

~~Chapter 5: Agricultural Related Pollution
Part III, Other Agricultural and
Silvicultural Activities~~

~~35 Ill. Admin. Code 503~~

~~Rule 301~~

~~Section 503.101~~

~~Rule 302~~

~~Section 503.102~~

~~Rule 303~~

~~Section 503.103~~

54

55 (Source: Repealed at 47 Ill. Reg. _____, effective _____)