

ILLINOIS GENERAL ASSEMBLY

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CO-CHAIR:
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REP. CURTIS J. TARVER, II
REP. DAVE VELLA

April 18, 2023

Barbara Flynn Currie, Chair
Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago IL 60605

Re: Permits (35 Ill. Adm. Code 602; 46 Ill. Reg. 8628 - 5/27/22)

Dear Chair Currie:

This is to notify you that JCAR considered the above-referenced proposed rulemaking at its 4/18/23 meeting.

If your agency has agreed to any substantive modifications during its discussions with JCAR, they are described in the agreements attached to the certification. Based on these Agreements, as well as the other responses you have provided the Committee during the review of this rulemaking, JCAR has determined that No Objection will be issued. Enclosed you will find formal certification of this action.

The rulemaking may now be adopted upon filing with the Office of the Secretary of State.

Please note that the fact that the Committee has not objected to the rulemaking does not necessarily constitute approval, expressed or implied, of the substance of the rulemaking.

Additionally, however, the Committee has issued a Recommendation concerning this rulemaking. A copy of that Recommendation is enclosed. If we can be of any assistance to your agency in responding to the Recommendation, please do not hesitate to contact us.

Thank you for the cooperation your agency has shown during our review of these issues.

Sincerely,

A handwritten signature in black ink that reads "Kim Schultz".

Kim Schultz
Executive Director

Enc.

cc: Don Brown

Electronic Filing: Received, Clerk's Office 04/19/2023
JOINT COMMITTEE ON ADMINISTRATIVE RULES
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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION
TO PROPOSED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its 4/18/23 meeting, considered the rulemaking titled Permits (35 Ill. Adm. Code 602; 46 Ill. Reg. 8628), proposed by the Pollution Control Board and published in the 5/27/22 issue of the Illinois Register. After consideration, and based upon the Agreements, if any, for modification of the rulemaking made by the agency and attached to this document, the Committee determined that no Objection will be issued to the above mentioned rulemaking.

April 18, 2023

A handwritten signature in black ink that reads "Kim Schultz".

Kim Schultz
Executive Director

Attachments: Agreements
Recommendation Issued

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April 18, 2023

Don Brown, Clerk
Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago IL 60605

Re: Permits (35 Ill. Adm. Code 602; 46 Ill. Reg. 8628 - 5/27/22)

Dear Mr. Brown:

The enclosed are the Register version and the Code copy of the above-cited rules as those rules are to be inserted in the Administrative Code database. You can use these copies when filing the rulemaking with the Secretary of State.

Please have someone on your staff peruse the enclosed copies to be sure that they reflect the language of the rule as you now understand it to exist; i.e., the original draft with any First Notice changes, technical corrections and Agreements included.

As you know, JCAR has issued a Recommendation with respect to this rulemaking.

If you notice any errors or discrepancies in the enclosed versions, please notify us as quickly as possible and we will provide a corrected version you can certify to the Code Division. This material will be integrated into the Code database when adoption of the rule appears in the Illinois Register.

Thank you for your cooperation and assistance.

Sincerely,

Kim Schultz
Executive Director

Enc.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Permits

Code Citation: 35 Ill. Adm. Code 602

<u>Section Numbers:</u>	602.101	602.117	602.325
	602.104	602.118	602.400
	602.105	602.119	602.410
	602.106	602.205	602.500
	602.107	602.225	602.505
	602.108	602.245	602.510
	602.111	602.250	602.520
	602.112	602.305	602.600
	602.113	602.310	602.App A
	602.116	602.320	

Date Originally Published in the Illinois Register: 5/27/22
46 Ill. Reg. 8628

At its meeting on April 18, 2023, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Board in its next substantive rulemaking on this Part amend Sections 602.111 and 602.116 to include the standards by which the Environmental Protection Agency will exercise the specific discretionary powers delegated to it by those Sections. Sec. 5-20 of the IAPA requires each rule that implements a discretionary power exercised by an agency to include the standards by which the agency will exercise the power.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

SECOND NOTICE CHANGES

Agency: Pollution Control Board

Rulemaking: Permits (35 Ill. Adm. Code 602; 46 Ill. Reg. 8628)

Changes:

1. In line 461, after "for" add "an".
2. In line 639, strike "the Illinois", delete "Department of", restore "Services Office", and after "Office" add ", Inc. (also known as "ISO" or "Verisk")".
3. In line 769, delete "cross section" and restore "cross-section".

jce
4/17/23