

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. MAGGIE CROTTY

CO-CHAIR:
REP. BRENT HASSERT

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
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SEN. J. BRADLEY BURZYNSKI
SEN. JAMES CLAYBORNE
SEN. STEVE RAUSCHENBERGER
SEN. DAN RUTHERFORD
SEN. IRA SILVERSTEIN
REP. TOM HOLBROOK
REP. DAVID R. LEITCH
REP. LARRY McKEON
REP. DAVID MILLER
REP. ROSEMARY MULLIGAN

April 11, 2006 **RECEIVED**
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APR 20 2006

STATE OF ILLINOIS
Pollution Control Board

Ro 4-12
Ro 4-20

Tanner Girard, Chairman
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Dear Chairman Girard:

This is to notify you that JCAR considered the following proposed rulemakings at its 4/11/06 meeting:

Definitions and General Provisions (35 Ill. Adm. Code 211)
29 Ill. Reg. 7418 - 5/27/05

Sulfur Limitations (35 Ill. Adm. Code 214)
29 Ill. Reg. 7435 - 5/27/05

Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
29 Ill. Reg. 7449 - 5/27/05

Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)
29 Ill. Reg. 7563 - 5/27/05

Maximum Setback Zones (35 Ill. Adm. Code 618)
29 Ill. Reg. 19503 - 12/2/05

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 these rulemakings, JCAR has determined that No Objection will be issued. Enclosed you will find formal certification of this action.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION
TO PROPOSED RULEMAKING

ROS-9

This is to certify that the Joint Committee on Administrative Rules, at its 4/11/06 meeting, considered Maximum Setback Zones (35 Ill. Adm. Code 618), proposed by the Pollution Control Board and published in the 12/2/05 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.

A handwritten signature in cursive script, reading "Vicki Thomas".

Vicki Thomas
Executive Director

April 11, 2006

Attachments: Agreements

SECOND NOTICE CHANGES

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APR 20 2006

705- STATE OF ILLINOIS
Pollution Control Board

Agency: Pollution Control Board

Rulemaking: Maximum Setback Zones (35 Ill. Adm. Code 618; 29 Ill. Reg. 19503)

Changes:

1. In line 20, delete the colon.
2. Change lines 76-101 to:

""New Potential Secondary Source":

means a potential secondary source which:

is not in existence or for which construction has not commenced at its location as of July 1, 1988; or

expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.355]; but

excludes an agrichemical facility that modifies on-site storage capacity such that the volume of the pesticide storage does not exceed 125% of the available capacity in existence on April 1, 1990, or the volume of fertilizer storage does not exceed 150% of the available capacity in existence on April 1, 1990; provided that a written endorsement for an agrichemical facility permit is in effect under Section 39.4 of the Act and the maximum feasible setback is maintained. This on-site storage capacity includes mini-bulk pesticides, package agrichemical storage areas, liquid or dry fertilizers, and liquid or dry pesticides. [415 ILCS 5/14.2(g)(4)]."

3. In line 164, after "facilities" add a period.

4. In line 165, delete the period.
5. In line 186, after "Heights" add ", as".
6. In lines 187 and 201, delete "Section 618."

3/14/06