

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. TIM SCHMITZ

EXECUTIVE DIRECTOR:  
VICKI THOMAS



700 STRATTON BUILDING  
SPRINGFIELD, ILLINOIS 62706  
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SEN. PAMELA ALTHOFF  
SEN. TONY MUÑOZ  
SEN. SUE REZIN  
SEN. DALE RIGHTER  
SEN. IRA SILVERSTEIN  
REP. GREG HARRIS  
REP. LOU LANG  
REP. DAVID R. LEITCH  
REP. DONALD L. MOFFITT  
REP. ANDRÉ THAPEDI

July 15, 2014



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

Re: General Provisions (35 Ill. Adm. Code 501; 37 Ill. Reg. 18974 - 12/2/13)

Dear Chairman Glosser:

This is to notify you that JCAR considered the above-referenced proposed rulemaking at its 7/15/14 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,

Vicki Thomas  
Executive Director

VT:DC:rm

Enc.

cc: John Therriault

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: General Provisions

Code Citation: 35 Ill. Adm. Code 501

<u>Section Numbers:</u>	501.103	501.241	501.263	501.325	501.359	501.379
	501.104	501.242	501.267	501.333	501.360	501.385
	501.200	501.244	501.295	501.343	501.361	501.390
	501.201	501.252	501.305	501.345	501.363	501.395
	501.223	501.253	501.310	501.355	501.373	501.401
	501.236	501.254	501.312	501.357	501.377	501.402
	501.238	501.261	501.313	501.358	501.378	501.404
						501.405

Date Originally Published in the Illinois Register: 12/2/13  
37 Ill. Reg. 18974

At its meeting on July 15, 2014, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that, when the Pollution Control Board opens its subdocket (July 10, 2014 Order) on the Concentrated Animal Feeding Operations (CAFOs) rulemakings titled General Provisions (35 Ill. Adm. Code 501; 37 Ill. Reg. 18974) and Permits (35 Ill. Adm. Code 502; 37 Ill. Reg. 19005), it also address concerns, raised by the USDA's Natural Resources Conservation Service comment to JCAR on May 16, 2014, that these rulemakings are relying on elements of NRCS standards that are now obsolete and have been replaced by new standards.

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.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION  
TO PROPOSED RULEMAKING

**RECEIVED**  
JUL 24 2014  
STATE OF ILLINOIS  
Pollution Control Board

This is to certify that the Joint Committee on Administrative Rules, at its 7/15/14 meeting, considered the rulemaking titled General Provisions (35 Ill. Adm. Code 501; 37 Ill. Reg. 18974), proposed by the Pollution Control Board and published in the 12/2/13 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.

July 15, 2014

A handwritten signature in cursive script that reads "Vicki Thomas".

Vicki Thomas  
Executive Director

Attachments: Agreements  
Recommendation Issued

## SECOND NOTICE CHANGES

**Agency:** Pollution Control Board

**Rulemaking:** General Provisions (35 Ill. Adm. Code 501; 37 Ill. Reg. 18974)

### Changes:

1. Delete lines 107-110.
2. In line 294, after "Champaign" delete the comma and delete "Phone".
3. In line 380, hyphenate "under the house".
4. In line 473, before "The" add the label "a".
5. In line 475, change "l" to "i".
6. In line 477, after "Where" add a colon.
7. In the table after line 478, 2<sup>nd</sup> row, change "r" to "r".
8. In the line before line 479, before "The " add the label "b".
9. In the table after line 484, in the 1<sup>st</sup> row, add a period at the end, and in the "m" clause, 6<sup>th</sup> line, change "years" to "year".
10. In line 490, after "Washington" delete the comma.
11. In line 491, after "20250" add a comma.
12. In line 780, strike the comma and add a colon.
13. Delete lines 799-862.

7/11/14

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July 15, 2014

**RECEIVED**  
JUL 24 2014

STATE OF ILLINOIS  
Pollution Control Board

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

Re: Permits (35 Ill. Adm. Code 502; 37 Ill Reg. 19005 - 12/2/13)

Dear Chairman Glosser:

This is to notify you that JCAR considered the above-referenced proposed rulemaking at its 7/15/14 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,  
  
Vicki Thomas  
Executive Director

VT:DC:rm

Enc.

cc: John Therriault

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 502

<u>Section Numbers:</u>	502.101	502.203	502.325	502.610	502.710
	502.102	502.204	502.500	502.615	502.720
	502.103	502.205	502.505	502.620	502.730
	502.104	502.207	502.510	502.625	502.800
	502.105	502.304	502.515	502.630	502.810
	502.106	502.310	502.520	502.635	502.820
	502.201	502.315	502.600	502.640	502.830
	502.202	502.320	502.605	502.645	502.840

Date Originally Published in the Illinois Register: 12/2/13  
37 Ill Reg. 19005

At its meeting on July 15, 2014, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that, when the Pollution Control Board opens its subdocket (July 10, 2014 Order) on the Concentrated Animal Feeding Operations (CAFOs) rulemakings titled General Provisions (35 Ill. Adm. Code 501; 37 Ill. Reg. 18974) and Permits (35 Ill. Adm. Code 502; 37 Ill. Reg. 19005), it also address concerns, raised by the USDA's Natural Resources Conservation Service comment to JCAR on May 16, 2014, that these rulemakings are relying on elements of NRCS standards that are now obsolete and have been replaced by new standards.

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.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION  
TO PROPOSED RULEMAKING

**RECEIVED**  
JUL 24 2014

STATE OF ILLINOIS  
*Pollution Control Board*

This is to certify that the Joint Committee on Administrative Rules, at its 7/15/14 meeting, considered the rulemaking titled Permits (35 Ill. Adm. Code 502; 37 Ill Reg. 19005), proposed by the Pollution Control Board and published in the 12/2/13 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.

July 15, 2014

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

Vicki Thomas  
Executive Director

Attachments: Agreements  
Recommendation Issued

## SECOND NOTICE CHANGES

**Agency:** Pollution Control Board

**Rulemaking:** Permits (35 Ill. Adm. Code 502; 37 Ill. Reg. 19005)

### Changes:

1. In line 273, change the first "of" to "after".
2. In line 275, delete "of this Section".
3. In line 378, change ", ~~or~~" to "or"; after "delivered" add "to Illinois Environmental Protection Agency, Bureau of Water, 1021 N. Grand Ave. E., Springfield IL 62794" and after "submitted" add "at CAFO@EPA.state.il.us.".
4. In lines 378-379, strike "to the appropriate address designated by the Agency.".
5. In line 864, after "discharges" add ". For purposes of this subsection (b)(13), visual inspection means inspection by a person of the tile inlet, tile outlet and unobstructed land surface to assess the structural ability of the subsurface drainage system".
6. In lines 950 and 1056, change "of" to "prior to".
7. In line 1150, add the label "a".
8. In line 1161, delete "Section".
9. In line 1256, before "in" add "of total volume of materials".
10. In line 1400, change "Washington, DC 20250" to "Washington DC 20250".
11. In line 1402, after "Agriculture" add a comma.
12. In line 1403, change "Champaign, IL 61821" to "Champaign IL 61821".
13. In lines 1522 and 1538, change "Washington, DC 20250" to "Washington DC 20250".
14. In line 1540, after "Agriculture" add a comma.
15. In line 1541, change "Champaign, IL 61821" to "Champaign IL 61821".

16. In line 1725, delete "of this Section".
17. In lines 1727-1728, delete "of this Section" and change "ice covered" to "ice-covered".
18. In line 1729, change "snow covered" to "snow-covered".
19. In line 1742, change "of" to "after".
20. In line 1879, after "must" add "daily".
21. In line 1881, delete "daily".
22. In line 1934, change "Washington, DC 20250" to "Washington DC 20250".
23. In line 1936, after "Agriculture" add a comma and change "Resource" to "Resources".
18. In line 1937, change "Champaign, IL 61821" to "Champaign IL 61821".
19. In line 2248, change "C.F.R." to "CFR".
20. In line 2252, change "The NCRS's" to "NCRS".
21. Change lines 2256 and 2322 to "Washington DC 20250, (202) 720-3656".

7/14/14