



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

March 9, 2017



Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Re: Docket R 17-18

Dear Office of the Clerk:

The purpose of this letter is to provide comment on the Illinois Pollution Control Board's Notice of Proposed Rules that appeared in the *Illinois Register* on February 10, 2017 (Vol. 41, Issue 6). I am supplying these comments in my role as Director of the Illinois State Archives and Chairman of the State Records Commission.

Specifically, this letter pertains to:

Notice of Proposed Amendments General Rules, described in Code Citation 35 Ill. Admin. Code 101, Paragraph 5), and specified in:

Sub Part C Section 101.302 (Filing of Documents) subsection h) 2) on page 1325

Notice of Proposed Amendments Regulatory and Informational Hearings and Proceedings, described in Code Citation 35 Ill. Admin. Code 102 and specified in:

Section 102.424 (Prehearing Filings of Testimony, Questions, Responses, and Exhibits) subsection e) on page 1386

Notice of Proposed Amendments Appeals of Final Decisions of State Agencies, described in Code Citation 35 Ill. Admin. Code 105 and specified in:

Sub Part A, Section 105.116 (Record Filing) subsection a) on page 1451

Notice of Proposed Amendments Petition to Review Pollution Control Facility Siting Decisions described in Code Citation 35 Ill. Admin. Code 107 and specified in:

Sub Part C, Section 107.302 (Filing of the Record) on page 1530

Notice of Proposed Amendments Tax Certifications described in Code Citation 35 Ill. Admin. Code 125 and specified in:

Sub Part B, Section 125.208 (Agency Record) on page 1548.

In the above sections, your proposed rules allow for the filing of documents on “through COOL or on compact disk or other portable electronic storage device”. The concern is if you intend to use these discs or devices for long-term or permanent storage of the records. Compact discs have a life expectancy of 10 years or less if maintained properly. Portable electronic storage devices, such as flash drives, are not recommended for either short or long-term storage. In addition, changing technologies and software could result in making these discs or devices obsolete or the programs used in writing these devices unreadable.

If you are looking for ways to both submit and store records, please refer to State Records Commission Rules 44 Ill. Adm. Code Part 4400, specifically Appendix E Sustainable File Formats for Electronic Records and Appendix F Reliable Storage Media for Electronic Records, for guidance. Electronic records retained by your agency under the State Records Act (5 ILCS 160) must be retained in compliance with 44 Ill. Adm. Code 4400.70 and 4400.80.

If you have any questions, you may contact me at (217) 782-3492 or by email at djoens@ilsos.net. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink that reads "David A. Joens". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

David A. Joens
Director, Illinois State Archives
Chairman, State Records Commission