

McGill, Richard

From: McGill, Richard
Sent: Wednesday, November 16, 2016 1:16 PM
To: 'Eastvold, Jonathan C.'
Subject: RE: Part 310

R 16-9

Good afternoon. Here are our responses to your proposed amendments on Part 310. For convenience, your proposed amendments are repeated in bold. Please let me know if you have any questions or comments on our responses. Thank you.

- 1) **In line 383, before "Administrative" add "Illinois".** Accepted.
- 2) **In line 385, after "Act" add "(FOIA)".** Accepted.
- 3) **In line 458, after "public" add "(see also Section 7(1)(K) of FOIA)".** Accepted.
- 4) **In line 488, change "Table" and "Appendix" to lower case. (They refer to federal law; in the IAC, words like "section", "part", "appendix", or "table" are capitalized only with reference to Illinois law.)** Accepted.
- 5) **In line 492, change "Data" to lower case. (This matches other uses of "data group".)** Accepted.
- 6) **In line 503, move the quotation marks before the comma. (For the purposes of the IAC, punctuation that is not part of what is being quoted (even commas and periods) should come outside the quotation marks. According to our executive director, this has nothing to do with British-American differences in punctuation and everything to do with the fact that the comma after "NPDES program" is not part of the defined term.)** Accepted.
- 7) **In line 505, delete "[415 ILCS 5/13.3]" and change "sections" to "section".** Accepted.
- 8) **In line 526, change "Table" and "Appendix" to lower case.** Accepted.
- 9) **In line 530, change "(b)" to "(b)(2)" and change "are" to "is".** Accepted.
- 10) **In line 531, change "those" to "that".** Accepted.
- 11) **In lines 577 and 590, change "such" to "those".** Accepted.
- 12) **In line 664, after "owner" change the comma to "or".** Accepted.

- 13) **In line 675, delete "and be".** Accepted.
- 14) **In line 688, after "variance" add "issued" and capitalize "section".** Accepted.
- 15) **In lines 689-690, delete "[415 ILCS 5/28.1 or 35-37]".** Accepted.
- 16) **In line 770, capitalize "sections".** Accepted.
- 17) **In line 771, delete "[415 ILCS 5/35-37]".** Accepted.
- 18) **In line 790, after "provisional" add "variance".** Accepted.
- 19) **In line 805, after "waiver" add "issued".** Accepted.
- 20) **In line 820, delete "[415 ILCS 5]".** Accepted.
- 21) **In line 821, delete "Chapter I of Title" and delete "of the". (Yes, this was our change. I was mistaken when I suggested it.) After "Board regulations", changed the citation "(35 Ill. Adm. Code: Chapter I)" to "(35 Ill. Adm. Code: Subtitle C, Chapter I)". This citation format is required by 1 Ill. Adm. Code 100.370(a)(6).**
- 22) **Delete line 822.** Accepted.
- 23) **In line 835, change "if" to "of whether".** Accepted.
- 24) **In line 845, change "(b)(7)(E)(ii)" to "(b)(7)(F)(ii)".** Accepted.
- 25) **In line 852, change "of" to "after".** Accepted.
- 26) **In line 891, capitalize "electronic reporting requirements".** Accepted.
- 27) **In line 892, capitalize "permittees", "facilities", "entities subject" and "subsection".** Accepted.
- 28) **In line 894, capitalize "schedule".** Accepted.
- 29) **After line 899, in the first row of the table, capitalize "information", "dates" and "electronic submissions".** Accepted.
- 30) **After line 899, in the second row of the table, left column, capitalize "other".** Accepted. Also capitalized "discharge".
- 31) **After line 899, in the bottom four rows of the table, right column, delete the periods after each date.** Accepted.
- 32) **In line 901, capitalize "reporting standards".** Accepted.

- 33) **In line 906, capitalize "recipient".** Accepted.
- 34) **In line 1133, after "Director", move the comma outside the quotation marks.** Accepted.
- 35) **In line 1158, after "source", move the comma outside the quotation marks.** Accepted.
- 36) **In line 1194, after "used water" add ", containing dissolved or suspended matter".** Changed "spent or used water discharged by an industrial user to a sewer tributary to a POTW that contains dissolved or suspended matter" to "spent or used water containing dissolved or suspended matter that is discharged by an industrial user to a sewer tributary to a POTW".
- 37) **In lines 1195-1196, delete "that contains dissolved or suspended matter".** See #36 above.
- 38) **In line 1198, after "Environment", move the comma outside the quotation marks.** Moot. We plan to not revise the existing definition of "industrial wastewater" based upon "Terms of the Environment" and therefore not add the Board Note.
- 39) **In line 1211, change "these" to "those".** Accepted.
- 40) **In line 1214, after "Act" delete the closing parenthesis.** Accepted.
- 41) **In line 1215, after "requirements" add a second closing parenthesis.** Accepted.
- 42) **In line 1219, after "standards," delete "and".** Accepted.
- 43) **In line 1226, after "liquid)" add a comma.** Moot. Instead of revising the existing definition of "municipal sewage", we plan to delete it as unnecessary.
- 44) **In lines 1230 and 1236, after "Environment", move the comma outside the quotation marks.** Moot. Instead of revising the existing definitions of "municipal sewage" and "municipal sludge", we plan to delete them as unnecessary, i.e., no Board Notes.
- 45) **In line 1239, after "Municipality" and "government" strike both periods and add them outside the adjacent quotation marks.** Accepted.
- 46) **In line 1241, after "government", move the comma outside the quotation marks.** Accepted.
- 47) **In line 1257, delete "[415 ILCS 5/12(f)]".** Accepted.

- 48) **In lines 1272-1273, strike the quotes around "unit of local government."** Accepted.
- 49) **In line 1379, after "Permits)" strike the comma and add a semicolon.** Accepted.
- 50) **In line 1381, after "Permits)" strike "[415 ILCS 5/39(b)]," and add a semicolon.** Accepted.
- 51) **In line 1383, after "requirements)" change the comma to a semicolon.** Accepted.
- 52) **In line 1404, after "municipalities" strike the comma.** Accepted.
- 53) **In line 1419, after "standard, or" add ", in the case of a new source,".** Accepted.
- 54) **In line 1420, strike "in the case of a new source".** Accepted.
- 55) **In line 1423, after "~~POTW~~" strike the comma.** Accepted.
- 56) **In line 1502, after "(a)" add a comma and strike "of this Section".** Accepted.
- 57) **In line 1503, strike the semicolon and add a comma.** Accepted.
- 58) **In line 1510, strike "Where" and add "When".** Replaced "In cases where" with the more economical "If". Especially as subsection (a) addresses when submittals are due, using "when" risks causing temporal confusion. For this reasoning, the same change was made in lines 1433 and 1535.
- 59) **In lines 1517 and 1521, strike "of this Section".** Accepted.

From: Eastvold, Jonathan C. [mailto:JonathanE@ilga.gov]
Sent: Friday, November 04, 2016 3:55 PM
To: McGill, Richard
Cc: McCambridge, Michael
Subject: [External] Part 310

JCAR staff had the following questions about Part 310 during the *Register* publication process. Line numbers correspond to the line numbers in the r01 document.

Thanks in advance for your consideration.

Jonathan

Questions:

- 1) We're still having difficulty with 310.106(b)(1)(A)(vi) because it is grammatically out of step with the other items. This is probably something that we'll have to brainstorm, but as a preliminary (analyst-level) idea, what about the following?:
 - a. In line 429, after the semicolon add "and".
 - b. In line 431, before "This" add "(Section omitted.".
 - c. In line 435, before the semicolon add a closing parenthesis and delete "and".
 - d. Should the second sentence in 310.106(b)(1)(A)(vii) be placed elsewhere?
- 2) 310.106(b)(2), definition of "Initial recipient", "...after Illinois is authorized by USEPA to implement the NPDES program" → I thought Illinois received its authorization to implement the NPDES program on 10/23/77. Did we lose authorization at some point, or is this qualification necessary for some other reason?
- 3) In line 732, why are the subsections referenced out of order ("subsections (b)(8) through (b)(7)(G)")?
- 4) In line 742, a subsection (b)(12) is mentioned. We don't see anything past (b)(9).
- 5) In line 866 (310.106(b)(7)(G)(ii), right after the closing parentheses), the agency version had a couple of extraneous words. We fixed it at publication, but wanted to check to ensure that no text was dropped during drafting. Is it correct as it stands?
- 6) In line 918 (end of the Board Note), "...or has failed to fulfill the requirements." → Which requirements?
- 7) In lines 1212 and 1220, the rule references but does not cite or cross-reference applicable State standards/requirements. Could you please be more specific?
- 8) In lines 1317-1318, is the Board Note missing any text? We find it very confusing as written.
- 9) In line 1321, "requirement related to pretreatment imposed on an industrial user" → How is such a requirement imposed? By rule? If in rule, where? If not in rule, why not?

Proposed Amendments:

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- 46) In line 1241, after “government”, move the comma outside the quotation marks.
- 47) In line 1257, delete “[415 ILCS 5/12(f)]”.
- 48) In lines 1272-1273, strike the quotes around “unit of local government₁”.
- 49) In line 1379, after “Permits)” strike the comma and add a semicolon.
- 50) In line 1381, after “Permits)” strike “[415 ILCS 5/39(b)],” and add a semicolon.
- 51) In line 1383, after “requirements)” change the comma to a semicolon.
- 52) In line 1404, after “municipalities” strike the comma.
- 53) In line 1419, after “standard₂ or” add “, in the case of a new source,”.
- 54) In line 1420, strike “in the case of a new source”.
- 55) In line 1423, after “POTW” strike the comma.
- 56) In line 1502, after “(a)” add a comma and strike “of this Section”.
- 57) In line 1503, strike the semicolon and add a comma.
- 58) In line 1510, strike “Where” and add “When”.
- 59) In lines 1517 and 1521, strike “of this Section”.

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