

**From:** [McGill, Richard](#)  
**To:** [Brown, Don](#)  
**Cc:** [McCambridge, Michael](#)  
**Subject:** PC for R19-3  
**Date:** Thursday, November 1, 2018 1:41:44 PM  
**Attachments:** [R19-3 Responses to JCAR Corrections--35-700s.docx](#)

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Good afternoon, Mr. Clerk!

Please docket this forwarded email correspondence (and the attached Word document) as a public comment in docket R19-3.

If you have any questions, please let me know. Thank you.

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**From:** McGill, Richard  
**Sent:** Thursday, November 1, 2018 1:40 PM  
**To:** 'JonathanE@ilga.gov' <JonathanE@ilga.gov>  
**Subject:** Exempt 35 IAC 720-725 tech. questions/corrections R19-3

Good afternoon, Jonathan:

The attached document collects your 113 technical questions/corrections on Board docket R19-3 and provides the Board's response to each (in **red**).

Please let me know if you have any questions. Thank you.

Best regards,

Richard

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**Subject:** Initial questions about 2nd concurrent rulemaking on 35 IAC 720 (42 IR 15551). These questions are keyed to the line numbered version posted to docket R19-3 on 8/17.

- 1) 92: Source note omits mention of ongoing rulemaking on R17-14/R17-15/R18-12/R19-2. **Done.**
- 2) 92: Isn't the docket proposing this rulemaking R19-3, not R19-2? The latter docket is all but blank. **It is R19-3; R19-2 appears in the source notes by error. It is now corrected.**
- 3) 100: Change "Where" to "When"? **Where is appropriate in a situational sense like here. Corresponding 40 C.F.R. § 260.4(a) states "In any case in which the state in which . . ."**
- 4) 127: Change "which" to "that"? **"Which" is preferred for a subsequent restrictive relative clause, as in "but which a state."**
- 5) 181: Delete "Board's"? **Done.**
- 6) 231: Addendum indicates that "(iii)" should be stricken, but it wasn't in the version we received. **Removed.**
- 7) 251: Strike "of this Section"? **Done.**
- 8) 503: The proposed addition of incorporations for ISO was not reflected in this version. **That was a substantive amendment in the R17-14/R17-15/R18-12/R18-31 rulemaking. None of those substantive amendments were included in proposed R19-3 but will be included at final adoption.**
- 9) 515: Add incorporations for NFPA 30 for 1977 and 1981? **That was a substantive amendment in the R17-14/R17-15/R18-12/R18-31 rulemaking. None of those substantive amendments were included in proposed R19-3 but will be included at final adoption.**
- 10) 516, 520, 526: add reference to 722.116? Those were substantive amendments in the R17-14/R17-15/R18-12/R18-31 rulemaking. **None of those substantive amendments were included in proposed R19-3 but will be included at final adoption.**
- 11) 528: Add incorporation for NFPA, "Standard System..."? **That was a substantive amendment in the R17-14/R17-15/R18-12/R18-31 rulemaking. None of those substantive amendments were included in proposed R19-3 but will be included at final adoption.**
- 12) 825: We erroneously deleted "(Sep. 2015)" at *Register* publication. Now that it's out, though, is it necessary given the other reference to that month in the sentence? Probably not. It is now overstruck for deletion. **The parenthetical should be removed. Simple removal without overstriking is appropriate because it does not appear in text on file.**
- 13) 906: Add references to 15 CFR 30.4 and 30.6 and 29 CFR 1910? **Those were substantive amendments in the R17-14/R17-15/R18-12/R18-31 rulemaking. None of those substantive amendments were included in proposed R19-3 but will be included at final adoption.**
- 14) 1138-1141: Strike? **It was erroneously removed in the R17-14/R17-15/R18-12/R18-31 rulemaking. Subpart B is now referenced in Section 722.114, so the Board now restores it citing "722.114."**
- 15) 1155-1168: Strike? ? **Those were substantive amendments in the R17-14/R17-15/R18-12/R18-31 rulemaking. None of those substantive amendments were included in proposed R19-3 but will be included at final adoption.**
- 16) 1208: We erroneously changed "§" to "Section" at *Register* publication. **The section symbol is part of the appendix VI title, so it is appropriate.**

- 17) 1324-1325: What is this intended to say? **It doesn't seem quite right. Corrected to "referenced in 35 Ill. Adm. Code 721.104."**
- 18) 1332: Add reference to Subpart E of 49 CFR 172? **That was a substantive amendment in the R17-14/R17-15/R18-12/R18-31 rulemaking. None of those substantive amendments were included in proposed R19-3 but will be included at final adoption.**
- 19) In line 219, change "fascimile" to "facsimile". **Done.**
- 20) In line 1190, change "Delinquent" to "Delinquent". **Done.**
- 21) In line 1227, change "Delinquent" to "Delinquent". **Done.**

**Subject:** Initial questions about 2nd concurrent rulemaking on 35 IAC 721.

Legend:

I=intervening amendment that may have been omitted

J = JCAR suggestion

- 1) I: Lines 17 and 175: If this is adopted after the other outstanding rulemaking on this Part, add "~~(Repealed)~~". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 2) I: 223: If adopted after other rulemaking, add relevant adoption info to source note. **Done.**
- 3) J: 223: Change "R19-2" to "R19-3". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 4) I: 264: Strike ", unless" and add "provided". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 5) I: 265: Before "accumulated" add "not". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 6) I: 569: strike the colon and add a period. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 7) J: 858: Reinstate "factors" so that it reads "all three factors..."? **Done.**
- 8) J: 922: After "where" strike the comma. **Done.**
- 9) J: 961: After "subject to" delete "under"? **Done.**
- 10) J: 965: "Regulatory authority" is not defined in this Part or this Title. Possible to define or explain further? **Changed to "USEPA or the Agency" (twice).**
- 11) J: 1155: "notify the state": Which state? The one in which the reclamation facility or intermediate facility occurs? Possible to clarify? **Changed "state" to "the Agency" in line 1151.**
- 12) J: 1215: After "(a)(24)(E)" add "and (a)(24)(H)"? **Done.**
- 13) J: 1237: Change "was" to "were"? **Done.**
- 14) J: 1259: After "etc.)", change the comma to "and"? **Not done. Instead, added "etc." offset by a comma after "tanks, etc.)" The parenthetical begins with "e.g.," which is non-limiting.**
- 15) J: 1301: Change "which" to "that"? **Done.**
- 16) J: 1306: Change "which" to "that"? **Done.**
- 17) J: 1307: Change "Where" to "When"? **Done.**
- 18) J: 1318: Change "Where" to "When"? **Done.**
- 19) J: 1325: Change "Member" to lower case? **Done.**
- 20) J: 1344: Before "shipment" change "a" to "the"? **Done.**

- 21) J: 1389: Change "was" to "were"? **Done.**
- 22) J: 1392: Change "where" to "when"? **Not done.** The conditional statement is used in a situational sense. The Board substituted "if" for "where."
- 23) J: 1401: After "and that" add a comma? **Done.**
- 24) J: 1406: After "information" add a comma? **Done.**
- 25) J: 1479: Remove hyphens after prefixes "dichloro" and "tetra"? **Not done.** The Board prefers to use soft hyphens to facilitate line breaking between prefixes and moieties—especially in longer chemical names.
- 26) J: 1663: after "crops" strike the comma and add a semicolon? **Done.**
- 27) I: 2055: strike "subsection" and add "subsections". After "(d)(2)" add "and (d)(4)". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 28) I: 2103: Add new subsection (d)(4). **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 29) I: 2106: strike "subsection" and add "subsections". After "(e)(2)" add "and (e)(4)". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 30) I: 2112: strike "Section 721.105 and". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 31) I: 2112: strike "722.134(d)" and add "722.114 and 722.116". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 32) I: 2446: Add new subsection (e)(4). Strike existing subsection label and add "5". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**

**Subject: Initial questions on Part 722**

Legend:

I=intervening amendment that may have been omitted

J = JCAR suggestion

- 1) I: 13: Add TOC entries for 722.101 and 105.. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 2) I: 15: After TOC entry for 722.112, add "(Repealed)". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 3) I: 16: Strike "Electronic Reporting" and add "Generator Category Determination". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 4) I: 17: Add TOC entries for 722.114, 115, 116, 117, 118. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 5) I: 38: After TOC entry for 722.134, add "(Repealed)". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 6) I: 39: Add TOC entry for 722.135. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 7) I: 45: After "Annual Reporting" add "for Large Quantity Generators". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 8) I: 48: Strike "Recordkeeping" and add "Special Requirements". After "for" add "Small Quantity". After "Generators" add "of between 100 and 1,000 kilograms per month". **Not done.** The R17-14/R17-15/R18-12/R18-31 rulemaking revised the Section heading to "Recordkeeping for Small Quantity Generators."

- 9) I: 53-61: After TOC entries for 722.150 through 158, add "(Repealed)". **Not done. Subpart E was removed from Part 722 in the recodification at 42 Ill. Reg. 11553 (June 22, 2018).**
- 10) I: 65: After TOC entry for 722.160, add "(Repealed)". **Not done. Subpart F was removed from Part 722 in the recodification at 42 Ill. Reg. 11553 (June 22, 2018).**
- 11) I: 79: Strike "Notification and Consent" and add "Exports of Hazardous Waste". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 12) I: 80: Strike "Movement Document" and add "Imports of Hazardous Waste". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 13) I: 81-84: After TOC entries for 722.185 through 189, add "(Repealed)". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 14) I: 110ff: Add subparts L and M. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 15) I: 111: After TOC entry for 722.APPENDIX A, add "(Repealed)". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 16) I: 142: Add source note entry for R17-14/R17-15/R18-12. **Done.**
- 17) J: 142: Change "R19-2" to "R19-3". **Done.**
- 18) I: 152, 176, 179: Strike "A generator" and add "An SQG or LQG". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 19) I: 184: Before "generator" and add "SQG or LQG". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 20) J: 184: Strike "generator". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 21) I: 198: Strike "generator" and add "SQG or LQG". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**

**Subject:** Initial questions about Parts **723** and **724**

Legend:

I=intervening amendment that may have been omitted (or, failing that, to remind myself to check to make sure the background text of this rulemaking at adoption reflects the changes made by the other rulemaking)

J = JCAR suggestion

Part 723:

- 1) I: 47: Add source note entry for R17-14/etc **Done.**
- 2) J: 47: Change "R19-2" to "R19-3". **Done.**
- 3) I: 65-80: Incorporate revisions made in other docket to Sec. 723.120(a)(2) **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 4) I: 221-222: Incorporate revisions made in other docket to 2<sup>nd</sup> sentence of subsection (c) **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 5) I: 243-246, 286-290: Incorporate revisions made...to subsections (e)(2) and (f)(2). **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 6) J: 281: After the semicolon add "and"? **Done.**
- 7) I: 292: Strike "either". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**

- 8) I: 293: After "manifest" add ", movement document,". Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 9) I: 329-330: Incorporate revisions made...to subsection (g)(4). Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 10) I: 344: Strike "722.112" and add "722.118". Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 11) J: 398: Change "; or" to a period? Done.
- 12) J: 403-404: Change "; and" to a period? Done.

(In lieu of #11 and #12, is there a clearer way to structure this list? We were confused by the presence of both an and and an or. The other idea we had was to switch (2)(B) and (2)(C) or consolidate (2)(B) and (2)(C) into a single subsection. Thoughts?) Will note the following alternative rule text for potential future consideration: “the condition of subsection (b)(2)(C) is true and the condition of either subsection (b)(2)(A) or (b)(2)(B) is also true.”

- 13) J: 434: "...under 35 Adm. Code..." Do you mean the entire Title 35 or something else? I think the former, but wanted to check. Also to see if you might consider a clearer formulation... Corresponding 40 C.F.R. § 263.21(b)(4) states “any applicable requirement under this chapter.” Chapter I of 40 C.F.R. embraces 40 C.F.R. 50 through 1099—all USEPA rules under the Clean Air Act; Clean Water Act; Federal Insecticide, Fungicide, and Rodenticide Act; Atomic Energy Act; Noise Control Act; Comprehensive Environmental Liability and Compensation Act; Resource Conservation and Recovery Act; Safe Drinking Water Act; Toxic Substances Control Act; and a handful of other statutes. It is unclear whether “any other requirements” is equivalent to “chapter I of 40 C.F.R.” The Board opted to reference Title 35 in its entirety.

#### Part 724:

- 1) I: 349: Add source note entry for R17-14/etc. Done.
- 2) J: 349: Change "R19-2" to "R19-3". Done.
- 3) J: 419: Change "e-Manifest" to "the e-Manifest system". Done, capitalizing “System.”
- 4) I:424-430: Incorporate revisions made...to subsection (a)(3). Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 5) I: 473: Strike "BOARD NOTE" and pull up the text of the note to the end of subsection (c). Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 6) I: 473-474: Strike "722.134" and add "722.115, 722.116, and 722.117". Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 7) I: 475: Strike "Section 722.134" and add "35 Ill. Adm. Code 722.115, 722.116, and 722.117". Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 8) I: 477: After "facility" add "or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under 35 Ill. Adm. Code 722.117(f).". Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 9) I: 479-489: Incorporate revisions made...to subsection (d). Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 10) J: 562: Capitalize "procedures applicable" and "electronic signature methods undergoing tests". Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.
- 11) I: 985: Strike "In the case when" and add "If". Done in the R16-7 rulemaking, effective August 9, 2016.

- 12) I: 1055: Strike "to" and add "of". **Done.**
- 13) I: 1056: Before the closing quote mark add a comma. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking, but placing the comma outside the closing quotation mark.**

**Subject: Part 725**

Legend:

I=intervening amendment that may have been omitted (or, failing that, to remind myself to check to make sure the background text of this rulemaking at adoption reflects the changes made by the other rulemaking)

J = JCAR suggestion

- 1) I: 131: After TOC entry for 725.301, add "(Repealed)". **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 2) I: 345: Add source note entry for R17-14/etc. **Done.**
- 3) J: 345: Change "R19-2" to "R19-3". **Done.**
- 4) J: 382: Change ", or in" to "or, in". **Not done because the Board reverts to the two-sentence structure.**
- 5) J: 417: Change "e-Manifest" to "the e-Manifest System". **Done.**
- 6) I: 422-428: Incorporate changes by R17-14/etc into subsection (a)(3). **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 7) I: 471-474: Incorporate changes by R17-14/etc into what is currently a board note to subsection (c). **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 8) I: 476-486: Incorporate changes by R17-14/etc into subsection (d) **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 9) J: 494: Change initial sentence fragment to mixed (title) case. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 10) J: 535: Change initial sentence fragment to mixed (title) case. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 11) J: 559: Change initial sentence fragment to mixed (title) case. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 12) J: 569: Strike the period. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**
- 13) J: 596: Change initial sentence fragment to mixed (title) case. **Done in the R17-14/R17-15/R18-12/R18-31 rulemaking.**