

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**  
ILLINOIS GENERAL ASSEMBLY



700 STRATTON BUILDING  
SPRINGFIELD, ILLINOIS 62706  
217/785-2254

March 8, 2016

CO-CHAIR:  
SEN. DON HARMON  
  
CO-CHAIR:  
REP. RON SANDACK  
  
EXECUTIVE DIRECTOR:  
VICKI THOMAS

SEN. BILL BRADY  
SEN. KAREN M<sup>c</sup>CONNAUGHAY  
SEN. TONY MUÑOZ  
SEN. MATT MURPHY  
SEN. IRA SILVERSTEIN  
REP. GREG HARRIS  
REP. LOU LANG  
REP. DAVID R. LEITCH  
REP. ANDRÉ THAPEDI  
REP. MIKE TRYON

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

**RECEIVED**  
CLERK'S OFFICE

**MAR 16 2016**

STATE OF ILLINOIS  
Pollution Control Board

Re: Permits (35 Ill. Adm. Code 309; 39 Ill. Reg. 15103 - 11/20/15)

Dear Chairman Keenan:

This is to notify you that JCAR considered the above-referenced proposed rulemaking at its 3/8/16 meeting.

The Committee has voted an Objection to the rulemaking. The Committee's Certification and Statement of Objection are enclosed.

If we can be of any assistance to your agency in responding to the Objection, please do not hesitate to contact us.

Sincerely,

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

Vicki Thomas  
Executive Director

VT:JEcw

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF OBJECTION

**RECEIVED**  
CLERK'S OFFICE  
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STATE OF ILLINOIS  
Pollution Control Board

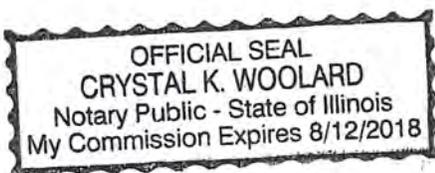
I, Vicki Thomas, Executive Director of the Joint Committee on Administrative Rules, being first duly sworn on oath, depose and state that, pursuant to Section 5-110 of the Illinois Administrative Procedure Act, the Joint Committee on Administrative Rules, at its meeting on March 8, 2016, voted an Objection with respect to the Pollution Control Board's rulemaking titled Permits (35 Ill. Adm. Code 309; 39 Ill. Reg. 15103).

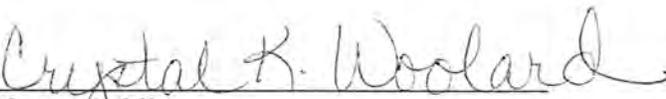
A statement of the Joint Committee's specific Objection accompanies this certification.

Failure to respond within 90 days after receipt of this Certification of Objection will constitute withdrawal of the proposed rulemaking in its entirety. The agency's response will be placed on the Committee's agenda for further consideration.

  
\_\_\_\_\_  
Vicki Thomas, Executive Director

Subscribed and sworn to before me this 8<sup>th</sup> day of March, 2016.



  
\_\_\_\_\_  
Notary Public

Attachments: Statement of Objection  
Agreements

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Permits

Code Citation: 35 Ill. Adm. Code 309

Section Numbers: 309.104 309.201 309.203 309.204 309.242 309.263

Date Originally Published in the Illinois Register: 11/20/15  
39 Ill. Reg. 15103

At its meeting on 3/8/16, the Joint Committee on Administrative Rules objected to Section 309.263(c) of the above-referenced rulemaking because PCB has declined to provide the standards for when EPA will require modification or renewal of a non-NPDES permit and when it will not. Sec. 5-20 of the IAPA requires agencies to provide standards for the exercise of their discretion.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

## SECOND NOTICE CHANGES

**Agency:** Pollution Control Board

**Rulemaking:** Permits (35 Ill. Adm. Code 309; 39 Ill. Reg. 15103)

**Changes:**

1. In line 170, change "these discharges" to "they".
2. In line 171, change the period to a colon.

*2/25/16 JE*