



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

September 27, 2024

Ms. Marie Tipsword
General Counsel, Ethics Officer and FOIA Officer
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, IL 60605

RE: Filing of Required Rules Amendments for 2 Admin Code 2175 (PCB Rules)

Dear Ms. Tipsword:

This letter is to inform you of a question that the Secretary of State, Index Department, Administrative Code Division Staff (the Staff) have regarding the filing of PCB Rules on or about September 18, 2024, with the Index Department.

As you know, the PCB Rules were filed pursuant to the statutory authority of 5 ILCS 100/5-15 (Required Rules).

Specifically, agency rules filings pursuant to this section qualify as Required Rules if they meet any or all of the enumerated categories under subsection (a) of section 5-15. Additionally, Required Rules become effective immediately upon filing with the Secretary of State and follow a process that is different from that for proposed rules.

The Staff have a question regarding the qualification as a Required Rule for an amendment to Rule 2 Admin Code 1275.120 (d)(2).

The amendment added the phrase: "or unexpected childcare obligations." to section 1275.120 (d)(2) and applied to Board members.

It is not immediately clear to the Staff that this amendment qualifies as a Required Rule.

Therefore, the Staff requests an additional explanation as to how this amendment meets the definition of a Required Rule as discussed above or, in the alternative, a withdrawal of the PCB Rule and a later filing through regular rulemaking.

Furthermore, we request the submission of the above on or before 4:00 pm CST October 2, 2024, in order to not to delay possible publication of the PCB Rule in the upcoming issue of the Illinois Register.

If you have any questions, in regard to the above, please do not hesitate to contact me at 217-782-0645.

Sincerely,

A handwritten signature in black ink, appearing to read "David Finnigan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Finnigan
Director
Index Department
111 E Monroe St.
Springfield, IL 62756