

**IDENTICAL-IN-SUBSTANCE RULEMAKING ADDENDUM
TO THE FINAL OPINION AND ORDER OF THE BOARD**

**UST Update, USEPA Amendments (July 1, 2015
through December 31, 2015), R16-16 (July 7, 2016)**

This addendum includes the following tables:

Table 1: Federal Amendments That Are Not Necessary in This Docket	Page 2
Table 2: Deviations from the Text of the Federal Amendments	Page 4
Table 3: Board Housekeeping Amendments	Page 8
Table 4: Revisions to the Text of the Proposed Amendments Made in Final Adoption	Page 12
Table 5: Requested Revisions Not Made in Final Adoption	Page 14

The tables included in this addendum supplement the Board's June 16, 2016 final opinion and order in the above-cited identical-in-substance rulemaking.

Table 1:
Federal Amendments That Are Not Necessary in This Docket

- 40 C.F.R. 280 table of contents, 280.252 heading: Omitted the heading for a provision whose subject matter is beyond the scope of Board regulations.
- 40 C.F.R. 280.10(d): The Board previously removed subsection (d) because its subject matter was beyond the scope of Board regulation, obviating removal now.
- 40 C.F.R. 280.11: The Board previously removed this provision because its subject matter was beyond the scope of Board regulation, obviating amendments now.
- 40 C.F.R. 280.12, “Class A operator”: This term is used only in the 40 C.F.R. definition of “training program” and subpart J of 40 C.F.R. 280, both of which are beyond the scope of Board regulation.
- 40 C.F.R. 280.12, “Class B operator”: This term is used only in the 40 C.F.R. definition of “training program” and subpart J of 40 C.F.R. 280, both of which are beyond the scope of Board regulation.
- 40 C.F.R. 280.12, “Class C operator”: This term is used only in the 40 C.F.R. definition of “training program” and subpart J of 40 C.F.R. 280, both of which are beyond the scope of Board regulation.
- 40 C.F.R. 280.12, “containment sump”: It was not necessary to add the definition because it is used only in the 40 C.F.R. 280.12 definition of “secondary containment” and 40 C.F.R. 280.32 through 280.36, both of which are beyond the scope of Board regulation.
- 40 C.F.R. 280.12, “operational life”: The Board previously removed this definition because it is used only in 40 C.F.R. 280.11, 280.20, and 280.42, each of which is beyond the scope of Board regulation.
- 40 C.F.R. 280.12, “release detection” (Board): The defined term is used in 40 C.F.R. 280.12 definitions of “repair” and “secondary containment” and in 40 C.F.R. 280.22, 280.32, 280.34, 280.36, 280.40 through 280.45, 280.50, 280.70, 280.72, 280.210, 280.242, 280.251, and 280.252, in provisions and segments that are outside the scope of Board regulation. See the entry in Table 3 below.
- 40 C.F.R. 280.12, “repair”: The Board previously removed this definition because it is used only in 40 C.F.R. 280.20, 280.21, 280.33, 280.34, 280.45, 280.50, 280.52, and 280.71, each of which is beyond the scope of Board regulation.
- 40 C.F.R. 280.12, “replaced”: This term is used only in 40 C.F.R. 280.20, 280.33, 280.41, 280.50, 280.52, 280.210, and 280.252, each of which is beyond the scope of Board regulation.
- 40 C.F.R. 280.12, “secondary containment”: This term is used only in 40 C.F.R. 280.20, 280.33, 280.35, 280.40, 280.42, 280.43, 280.50, 280.52, and 280.252, each of which is beyond the scope of Board regulation.
- 40 C.F.R. 280.12, “training program”: This term is used only in 40 C.F.R. 280.242, 280.244, and 280.245, each of which is beyond the scope of Board regulation.

- 40 C.F.R. 280.12, “under-dispenser containment”: This term is used only in 40 C.F.R. 280.20 and 280-30, both of which are beyond the scope of Board regulation.
- 40 C.F.R. 280.20: The Board previously removed this Section because its subject matter was beyond the scope of Board regulation, obviating amendment now.
- 40 C.F.R. 280.21: The Board previously removed this Section because its subject matter was beyond the scope of Board regulation, obviating amendment now.
- 40 C.F.R. 280.22: The Board is removing the corresponding Illinois provision and not including the current USEPA amendments because the Board finds that the notification requirements are outside the scope of Board regulation.
- 40 C.F.R. 280, subpart C: The Board previously removed this Subpart (Sections 731.130 through 731.134) because its subject matter was beyond the scope of Board regulation, obviating amendment now.
- 40 C.F.R. 280, subpart D: The Board previously removed this Subpart (Sections 731.140 through 731.145) because its subject matter was beyond the scope of Board regulation, obviating amendment now.
- 40 C.F.R. 280, subpart E: The Board previously removed this Subpart (Sections 731.150 through 731.153) because its subject matter was beyond the scope of Board regulation, obviating amendment now.
- 40 C.F.R. 280, subpart G: The Board previously removed this Subpart (Sections 731.170 through 731.174) because its subject matter was beyond the scope of Board regulation, obviating amendment now.
- 40 C.F.R. 280, subpart H: The Board previously removed this Subpart (Sections 731.190 through 731.211) because its subject matter was beyond the scope of Board regulation, obviating amendment now.
- 40 C.F.R. 280, subpart I: Omitted this subpart (sections 280.200, 280.210, 280.220, and 280.230) because its subject matter was beyond the scope of Board regulation, obviating amendment now.
- 40 C.F.R. 280.252: Omitted the provision as subject matter was beyond the scope of Board regulation.
- 40 C.F.R. 280, appendix A: The Board is removing the corresponding Illinois appendix and not including the current USEPA amendments because the Board finds that the notification requirements are outside the scope of Board regulation.
- 40 C.F.R. 280, appendix B: The Board is not including the current USEPA amendments because the Board finds that the notification requirements are outside the scope of Board regulation.
- 40 C.F.R. 280, appendix C: The Board is removing the corresponding Illinois appendix and not including the current USEPA amendments because the Board finds that the notification requirements are outside the scope of Board regulation.
- 40 C.F.R. 281: The federal requirements for authorization of state UST programs are outside the scope of Board regulation.

Table 2:
Deviations from the Text of the Federal Amendments

- 35 Ill. Adm. Code 731.110(a)(1)(C), derived from 40 C.F.R. 280.10(a)(1)(iii): Changed “at installation” to “at the time of installation.”
- 35 Ill. Adm. Code 731 table of contents, heading, derived from 40 C.F.R. 280 table of contents, heading: Omitted the new words, “Installation Requirements for Partially Excluded UST Systems,” since the described subject matter is beyond the scope of Board regulations.
- 35 Ill. Adm. Code 731.110(a)(1)(B), derived from 40 C.F.R. 280.10(a)(1)(ii): Replaced the federal text with an explanatory statement that the subject matter is beyond the scope of Board regulations.
- 35 Ill. Adm. Code 731.110(a)(2), derived from 40 C.F.R. 280.10(a)(2): Replaced the federal text with an explanatory statement that the subject matter is beyond the scope of Board regulations.
- 35 Ill. Adm. Code 731.110(b)(2), derived from 40 C.F.R. 280.10(b)(2): Capitalization of “Section” in citation to sections 402 and 307(b) of the Clean Water Act was not necessary because the Illinois rule cites to an Illinois statutory provision relating to water pollution control.
- 35 Ill. Adm. Code 731.110(c)(1), derived from 40 C.F.R. 280.10(c): Retained the federally derived text as subsection (c)(1); retained “Section 731,122” in place of “Subpart B” because it is the only provision remaining in that Subpart; changed “does” to “do” to accommodate the plural; did not restore previously omitted references to Subparts B through E and G because their subject matter is beyond the scope of Board regulation; omitted a reference to Subpart J because its subject matter is beyond the scope of Board regulation; did not remove “any of the following.”
- 35 Ill. Adm. Code 731.110(c)(1)(A), derived from 40 C.F.R. 280.10(c)(1): Retained the federally derived text as subsection (c)(1)(A).
- 35 Ill. Adm. Code 731.110(c)(1)(B), derived from 40 C.F.R. 280.10(c)(2): Designated the federal text as subsection (c)(1)(B); added “either of the following.”
- 35 Ill. Adm. Code 731.110(c)(1)(B)(i), derived from 40 C.F.R. 280.10(c)(2)(i): Designated the federal text as subsection (c)(1)(B)(i).
- 35 Ill. Adm. Code 731.110(c)(1)(B)(ii), derived from 40 C.F.R. 280.10(c)(2)(ii): Designated the federal text as subsection (c)(1)(B)(ii)
- 35 Ill. Adm. Code 731.110(c)(1)(D), derived from 40 C.F.R. 280.10(c)(4): Changed the ending semicolon to a period.
- 35 Ill. Adm. Code 731.112, “belowground release”, derived from 40 C.F.R. 280.12, “belowground release”: The Board previously changed “ground water” to “groundwater.”
- 35 Ill. Adm. Code 731.112, “farm tank”, derived from 40 C.F.R. 280.12, “farm tank”: The Board previously placed the term “farm” in quotation marks.
- 35 Ill. Adm. Code 731.112, “hazardous substance”, derived from 40 C.F.R. 280.12, “hazardous substance”: Did not add quotation marks to the second appearance of the defined term or

remove the words “derived from crude oil through processes of separation, conversion, upgrading, and finishing” due to prior restructuring of the definition.

Note: The Board changed the definition to rely on the list of hazardous substances in 40 C.F.R. 302.4 and avoid incorporation by reference to the definition of “hazardous substance” in section 101(14) of CERCLA (42 U.S.C. § 9601(14)). *See UST Update, USEPA Regulations (September 23, 1988), R88-27 (Apr. 27, 1989), slip op. at pp. 7-9.*

35 Ill. Adm. Code 731.112, “noncommercial purposes”, derived from 40 C.F.R. 280.12, “noncommercial purposes”: Did not remove the quotation marks from the term “existing tank system.”

35 Ill. Adm. Code 731.112, “owner”, derived from 40 C.F.R. 280.12, “owner”: Did not need to renumber the paragraphs of this definition because subsections in Board definitions are not numbered. See the entry in Table 3 below.

35 Ill. Adm. Code 731.112, “release”, derived from 40 C.F.R. 280.12, “release”: The Board previously changed “ground water” to “groundwater.”

35 Ill. Adm. Code 731.112, “storm water”, derived from 40 C.F.R. 280.12, “storm water”: The Board adopted the term as “storm water or wastewater collection system” without the hyphenation.

Note: *See UST Update, USEPA Regulations (September 23, 1988), R88-27 (Apr. 27, 1989), slip op. at p. 13.*

35 Ill. Adm. Code 731.112, “underground storage tank”, derived from 40 C.F.R. 280.12, “underground storage tank”: Did not need to renumber the paragraphs of this definition because subsections in Board definitions are not numbered; changed “which” to “that” for a restrictive relative clause; changed “49 U.S.C. chapter 601” to “49 USC 60101 through 60140”; changed “which is an interstate pipeline facility” to “that is an interstate pipeline facility” for a restrictive relative clause; changed “49 U.S.C. chapter 601” to “49 USC 60105”; changed “Secretary of Transportation” to “U.S. Department of Transportation.” See the entry in Table 3 below.

35 Ill. Adm. Code 731.112, “underground storage tank” Board note, derived from 40 C.F.R. 280.12, “underground storage tank” note to the definition: Used the usual tag “BOARD NOTE” in place of “Note to the definition of Underground storage tank or UST”; did not need to renumber the paragraphs of this definition because subsections in Board definitions are not numbered; changed “this definition” to “this definition of ‘underground storage tank.’” See the entry in Table 3 below.

35 Ill. Adm. Code 731.162(a)(2), derived from 40 C.F.R. 280.62(a)(2): The Board previously changed “ground water” to “groundwater.”

35 Ill. Adm. Code 731.162(a)(4), derived from 40 C.F.R. 280.62(a)(4): The use of “35 Ill. Adm. Code 722, 724, 725, and 807 through 815” obviates the change “State and local requirements” to “state and local requirements.”

35 Ill. Adm. Code 731.162(a)(5), derived from 40 C.F.R. 280.62(a)(5): The Board previously changed “ground water” to “groundwater.”

- 35 Ill. Adm. Code 731.163(a)(2), derived from 40 C.F.R. 280.63(a)(2): Did not change “surrounding” to capitalized “Surrounding.”
- 35 Ill. Adm. Code 731.164(a), derived from 40 C.F.R. 280.64(a): The Board previously changed capitalized “State” and “Federal” to lower-case “state” and “federal.”
- 35 Ill. Adm. Code 731.165 heading, derived from 40 C.F.R. 280.65 heading: The Board previously changed “ground water” to “groundwater.”
- 35 Ill. Adm. Code 731.165(a), derived from 40 C.F.R. 280.65(a): The Board previously changed “ground water” to “groundwater.” See the entry in Table 3 below.
- 35 Ill. Adm. Code 731.165(a)(3), derived from 40 C.F.R. 280.65(a)(3): The Board previously changed “ground water” to “groundwater.”
- 35 Ill. Adm. Code 731.165(a)(4), derived from 40 C.F.R. 280.65(a)(4): The Board previously changed “ground water” to “groundwater” (twice).
- 35 Ill. Adm. Code 731.166(a), derived from 40 C.F.R. 280.66(a): The Board previously changed “ground water” to “groundwater” (twice); in the restored previously omitted statement, changed “implementing agency” to “Agency” and “their plan” to “the plan.” See the entry in Table 3 below.
- 35 Ill. Adm. Code 731.166(b)(3), derived from 40 C.F.R. 280.66(b)(3): The Board previously changed “ground water” to “groundwater.”
- 35 Ill. Adm. Code 731.166(b)(4), derived from 40 C.F.R. 280.66(b)(4): The Board previously changed “ground water” to “groundwater.”
- 35 Ill. Adm. Code 731.166(d), derived from 40 C.F.R. 280.66(d): The Board previously changed “ground water” to “groundwater.”
- 35 Ill. Adm. Code 731.250, “airport hydrant fuel distribution system”, derived from 40 C.F.R. 280.250, “airport hydrant fuel distribution system”: Placed the defined term and the short-form “airport hydrant system” (twice) in quotation marks; added the conjunction “or” before and removed the parentheses from the alternative defined term “airport hydrant system”; changed “system which fuels aircraft” to “system that fuels aircraft” for a restrictive relative clause; changed “piping that typically terminates” to “piping that typically terminates” for a subsequent restrictive relative clause.
- 35 Ill. Adm. Code 731.250, “field-constructed tank”, derived from 40 C.F.R. 280.250, “field-constructed tank”: Placed the defined term in quotation marks.
- 35 Ill. Adm. Code 731.251(a), derived from 40 C.F.R. 280.251(a): Added “release response” before “requirements”; removed “as follows” and the ending colon; moved “at installation” and the ending period from subsection (a)(2) to the end of subsection (a); removed the rest of subsections (a)(1) and (a)(2) due to the past effective date and the subject matter outside the scope of Board regulation.
- 35 Ill. Adm. Code 731.251(a) Board note, derived from 40 C.F.R. 280.251(a): Added explanation of material omitted.

35 Ill. Adm. Code 731.251(b), derived from 40 C.F.R. 280.251(b): Replaced the entire language of this subsection, as subject matter outside the scope of Board regulation, with an explanatory statement.

35 Ill. Adm. Code 731.251(c), derived from 40 C.F.R. 280.251(c): Omitted “except as provided in § 280.252” and the offsetting comma and the cross-references to Subparts B through E, H, and J as subject matter outside the scope of Board regulation.

35 Ill. Adm. Code 731.251(d), derived from 40 C.F.R. 280.251(d): Replaced the entire language of this subsection, as subject matter outside the scope of Board regulation, with an explanatory statement.

Table 3:
Board Housekeeping Amendments

- 35 Ill. Adm. Code 731.131 heading (Board): Added “(Repealed).”
- 35 Ill. Adm. Code 731 table of contents, 731.Appendix A heading (Board): Changed “Appendix A” to “731.APPENDIX A”; added “(Repealed).”
- 35 Ill. Adm. Code 731 table of contents, 731.Appendix C heading (Board): Changed “Appendix C” to “731.APPENDIX C”; added “(Repealed).”
- 35 Ill. Adm. Code 731 authority note (Board): Changed “Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4, 1022.13 and 1027 (Sections 22.4(d), 22.13(d) and 27 of the Environmental Protection Act, as amended by P.A. 87-323)” to “Sections 22.4(d), 22.13(d) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(d), 22.13(d), and 27].”
- 35 Ill. Adm. Code 731.110(a) (Board): Added “all” before “owners and operators,” as it appears in the corresponding federal text.
- 35 Ill. Adm. Code 731.110(b)(2) (Board): Added “[415 ILCS 5/12(f)]” after “Section 12(f) of the Act.”
- 35 Ill. Adm. Code 731.110(c)(1)(D) (Board): Removed the unnecessary statement, “incorporated by reference in Section 731.113” and its offsetting comma, because this provision imposes no requirements of 10 C.F.R. 50.
- 35 Ill. Adm. Code 731.110(d)(1), “heating oil” (Board): Added “[415 ILCS 5/57.2]” after “Section 57.2 of the Act.”
- 35 Ill. Adm. Code 731.110(d)(1), “heating oil” (Board): Changed the hyphen offset by spaces in “No. 4 - light” to an em-dash in “No. 4—light”; changed the hyphen offset by spaces in “No. 4 - heavy” to an em-dash in “No. 4—heavy”; changed the hyphen offset by spaces in “No. 5 - light” to an em-dash in “No. 5—light”; changed the hyphen offset by spaces in “No. 5 - heavy” to an em-dash in “No. 5—heavy.”
- 35 Ill. Adm. Code 731.110(d)(1), “heating oil underground storage tank” (Board): Corrected the colon after “Heating Oil UST” to a closing quotation mark; added “[415 ILCS 5/57.2]” after “Section 57.2 of the Act.”
- 35 Ill. Adm. Code 731.110(d)(1), “underground storage tank” (JCAR, Board): Changed “10 per centum” to “10 percent.”
- 35 Ill. Adm. Code 731.110(d)(2) (Board): Added the ending period after “UST”; added “[415 ILCS 5/22.4(d)(4)]” after “Section 22.4(d)(4) of the Act.”
- 35 Ill. Adm. Code 731.110(d)(3)(Board): Added “[415 ILCS 5/22.4(d)]” after “Section 22.4(d) of the Act”; changed “shall” to “must” for the imperative; added “[415 ILCS 5/57.2]” after “Section 57.2 of the Act.”
- Note: The provision for heating oil USTs is a State-only provision that arose through the statutory mandate of P.A. 87-323, eff. Sep. 6, 1991, in UST Update, USEPA Regulations (January 1, 1991 through June 30, 1991), R91-14 (Apr. 9, 1992), slip op. pp. 8-10.
- 35 Ill. Adm. Code 731.110(d) Board note (Board): Moved the comma before “as that term is defined” inside the preceding closing quotation mark.

- 35 Ill. Adm. Code 731.112, “Act” (Board): Changed “(Ill. Rev. Stat. 1989, ch. 111 ½, par. 1001 et seq.)” to “[415 ILCS 5].”
- 35 Ill. Adm. Code 731.112 Board note re “consumptive use” (Board): Removed the unnecessary Board note about definition of “consumptive use.” The term is used only in the definition of “heating oil underground storage tank” in Section 731.110(d)(1), and that provision includes a definition of “consumptive use.”
- 35 Ill. Adm. Code 731.112 “Gasoline Storage Act” (Board): Changed “Ill. Rev. Stat. 1989, ch. 127 ½, par. 151 et seq., as amended by P.A. 87-323” to “[430 ILCS 15].”
- 35 Ill. Adm. Code 731.112, “hazardous substance” Board note (Board): Removed the line from between the definition and the attached Board note and used the same indent level.
- 35 Ill. Adm. Code 731.112, “hazardous substance UST system” (Board): Moved the comma before “or any mixture” inside the preceding closing quotation mark; added a comma and the conjunction “and” after “or any mixture of . . . and ‘petroleum’” to offset the parenthetical clause and correspond with the punctuation in the corresponding federal provision.
- 35 Ill. Adm. Code 731.112, “hazardous substance UST system” Board note (Board): Removed the line from between the definition and the attached Board note and used the same indent level; changed “regulations which implement” to “regulations that implement” for a restrictive relative clause..
- 35 Ill. Adm. Code 731.112, “heating oil” (Board): Changed the double hyphen in “No. 4--light” to an em-dash in “No. 4—light”; changed the double hyphen in “No. 4--heavy” to an em-dash in “No. 4—heavy”; changed the double hyphen in “No. 5--light” to an em-dash in “No. 5—light”; changed the double hyphen in “No. 5--heavy” to an em-dash in “No. 5—heavy.”
- 35 Ill. Adm. Code 731.112, “heating oil” Board note (Board): Removed the line from between the definition and the attached Board note and used the same indent level; corrected “731.110(e)” to “731.110(d).”
- 35 Ill. Adm. Code 731.112 Board note re “on the premises where stored” (Board): Removed the unnecessary Board note about definition of “on the premises where stored.” The term is used only in the definition of “heating oil underground storage tank” in Section 731.110(d)(1), and that provision includes a definition of “on the premises where stored.”
- 35 Ill. Adm. Code 731.112, “owner” (Board): Removed the unnecessary comma after the defined term “Person,” which separated the subject from the verb of the sentence. See the entry in Table 2 above.
- 35 Ill. Adm. Code 731.112, “petroleum” Board note (Board): Removed the line from between the definition and the attached Board note and used the same indent level.
- 35 Ill. Adm. Code 731.112, “petroleum UST system” Board note (Board): Moved the ending period inside the closing quotation mark after “regulated substances.”
- 35 Ill. Adm. Code 731.112, “petroleum UST system” Board note (Board): Removed the line from between the definition and the attached Board note and used the same indent level.
- 35 Ill. Adm. Code 731.112, “regulated substance” Board note (Board): Moved the ending period inside the closing quotation mark after “petroleum.”

35 Ill. Adm. Code 731.112, “regulated substance” Board note (Board): Removed the line from between the definition and the attached Board note and used the same indent level.

35 Ill. Adm. Code 731.112, “release detection” (Board): Added the previously-removed definition because the term appears in the notice requirement in 35 Ill. Adm. Code 731.122(e)(4). See the entry in Table 2 above.

Note: The defined term is used in 40 C.F.R. 280.12 definitions of “repair” and “secondary containment” and in 40 C.F.R. 280.32, 280.34, 280.36, 280.40 through 280.45, 280.50, 280.70, 280.72, 280.210, 280.242, 280.251, and 280.252, in provisions and segments that are outside the scope of Board regulation. However, the term is used in 40 C.F.R. 280.22, the notice provision that the Board retained.

35 Ill. Adm. Code 731.112, “underground storage tank” (Board): Changed “one or combination of tanks . . . which is used” to “one or combination of tanks . . . that is used” for a restrictive relative clause; corrected “tenper centum” to “10 percent”; changed “such term” to “this term”; added “of the following” after “include any.”

35 Ill. Adm. Code 731.112, “underground storage tank” Board note (Board): Corrected “connected any tank” to “connected to any tank”; changed “above subparagraphs” to “subparagraphs”; changed “tank which is described” to “tank that is described” for a restrictive relative clause. See the entry in Table 2 above.

35 Ill. Adm. Code 731.113(a), appendix A to 10 C.F.R. 50 (Board): Removed the incorporation by reference because the reference is not relied on for imposition of requirements where cited in 35 Ill. Adm. Code 731.110(c)(1)(D).

35 Ill. Adm. Code 731.113(a), 40 C.F.R. 280.3 (1987) (Board): Removed the incorporation by reference because 35 Ill. Adm. Code 731.122(a) Board note was not necessary, since only the fact of applicability of the requirements was intended, and not imposition of the requirements.

35 Ill. Adm. Code 731.113(a), 40 C.F.R. 302.4 (Board): Updated the *Code of Federal Regulations* citations to the latest version available.

35 Ill. Adm. Code 731.113(a), 40 C.F.R. 302.6 (Board): Removed the incorporation by reference because 35 Ill. Adm. Code 731.122(a) Board note was not necessary, since only the fact of applicability of the requirements was intended, and not imposition of the requirements.

35 Ill. Adm. Code 731.122 heading (Board): Added “(Repealed).”

35 Ill. Adm. Code 731.122 (Board): Marked the entire text for deletion.

35 Ill. Adm. Code 731.161 preamble (Board): Changed “shall” to “must.”

35 Ill. Adm. Code 731.162(a) (Board): Changed “shall” to “must.”

35 Ill. Adm. Code 731.162(a)(4) (Board): Changed “shall” to “must”; added a comma before “and 807 through 815” to offset the final element of a series.

35 Ill. Adm. Code 731.162(a)(5) (Board): Changed “shall” to “must.”

35 Ill. Adm. Code 731.162(b) (Board): Removed “above” and the offsetting commas from after “subsection (a)”; changed “shall” to “must.”

- 35 Ill. Adm. Code 731.163(a) (Board): Changed “shall” to “must.”
- 35 Ill. Adm. Code 731.163(b) (Board): Changed “shall” to “must.”
- 35 Ill. Adm. Code 731.164 preamble (Board): Changed “shall” to “must.”
- 35 Ill. Adm. Code 731.165(a) (Board): Changed “shall” to “must.” See the entry in Table 2 above.
- 35 Ill. Adm. Code 731.165(a)(3) (JCAR): Corrected “Section 731.160 through Section 731.164” to “Sections 731.160 through 731.164.”
- 35 Ill. Adm. Code 731.165(b) (Board): Changed “shall” to “must.”
- 35 Ill. Adm. Code 731.166(a) (Board): Corrected “Section 731.161 through Section 731.163” to “Sections 731.160 through 731.164” (twice); changed “shall” to “must”; restored the previously omitted statement, “In either case, owners or operators are responsible . . . as necessary to meet this standard.” See the entry in Table 2 above.
- 35 Ill. Adm. Code 731.166(b) (Board): Changed “shall” to “must” (twice); added a comma before “and the environment” to offset the final element of a series.
- 35 Ill. Adm. Code 731.166(c) (Board): Changed “shall” to “must” (twice).
- 35 Ill. Adm. Code 731.166(d)(1) (Board): Corrected “being” to “begin.”
- 35 Ill. Adm. Code 731.167(a) (Board): Corrected “the Agency provide notice” to “the Agency must provide notice”; removed “shall” from before “public directly.”
- 35 Ill. Adm. Code 731.167(b) (Board): Changed “shall” to “must.”
- 35 Ill. Adm. Code 731.167(c) (Board): Changed “shall” to “must.”
- 35 Ill. Adm. Code 731.167(d) (Board): Changed “shall” to “must.”
- 35 Ill. Adm. Code 731.Appendix A heading (Board): Changed “Appendix A” to “731.APPENDIX A”; added “Notification Form (Repealed).”
- 35 Ill. Adm. Code 731.Appendix A (Board): Marked the entire text for deletion.
- 35 Ill. Adm. Code 731.Appendix C heading (Board): Added “(Repealed).”
- 35 Ill. Adm. Code 731.Appendix C (Board): Marked the entire text for deletion.

Table 4:
Revisions to the Text of the Proposed Amendments Made in Final Adoption

- 35 Ill. Adm. Code 731 authority note (Board): Added a comma before the ending conjunction in the series “Sections 22.4(d), 22.13(d), and 27.” See the entry in Table 5 below.
- 35 Ill. Adm. Code 731.110(a)(1) (JCAR): Changed “Previously deferred UST systems” to “Previously Deferred UST Systems” for the topical subheading.
- 35 Ill. Adm. Code 731.110(c)(1) (JCAR): Changed “Subpart K of this Part” to “Subpart K.”
- 35 Ill. Adm. Code 731.110(c)(1)(B)(i) (JCAR): Changed “Subpart K of this Part” to “Subpart K.”
- 35 Ill. Adm. Code 731.110(c)(1)(B)(ii) (JCAR): Changed “Subpart K of this Part” to “Subpart K.”
- 35 Ill. Adm. Code 731.110(c)(1)(D) (JCAR): Corrected the ending semicolon to a period.
- 35 Ill. Adm. Code 731.110(d)(1), “heating oil” (Board): Changed the hyphen offset by spaces in “No. 4 - light” to an em-dash in “No. 4—light”; changed the hyphen offset by spaces in “No. 4 - heavy” to an em-dash in “No. 4—heavy”; changed the hyphen offset by spaces in “No. 5 - light” to an em-dash in “No. 5—light”; changed the hyphen offset by spaces in “No. 5 - heavy” to an em-dash in “No. 5—heavy.”
- 35 Ill. Adm. Code 731.110(d)(1), “heating oil underground storage tank” (JCAR): Corrected the colon after “Heating Oil UST” to a closing quotation mark.
- 35 Ill. Adm. Code 731.110(d)(1), “underground storage tank” (JCAR, Board): Changed “10 per centum” to “10 percent.”
- 35 Ill. Adm. Code 731.110(d)(2) (JCAR): Added the ending period after “UST.”
- 35 Ill. Adm. Code 731.112, “CERCLA” (JCAR): Corrected “U.S.C.” to “USC.”
- 35 Ill. Adm. Code 731.112, “hazardous substance” Board note (JCAR): Changed “regulations which implement” to “regulations that implement” for a restrictive relative clause.
- 35 Ill. Adm. Code 731.112, “heating oil” (Board): Changed the double hyphen in “No. 4--light” to an em-dash in “No. 4—light”; changed the double hyphen in “No. 4--heavy” to an em-dash in “No. 4—heavy”; changed the double hyphen in “No. 5--light” to an em-dash in “No. 5—light”; changed the double hyphen in “No. 5--heavy” to an em-dash in “No. 5—heavy”; added a comma before “or No. 6 technical” to offset the final element of a series.
- 35 Ill. Adm. Code 731.112, “release detection” (Board): Removed the proposed definition because the term appears only in provisions and segments that are outside the scope of Board regulation. See the entry in Table 1 above.
- Note: The defined term is used in 40 C.F.R. 280.12 definitions of “repair” and “secondary containment” and in 40 C.F.R. 280.22, 280.32, 280.34, 280.36, 280.40 through 280.45, 280.50, 280.70, 280.72, 280.210, 280.242, 280.251, and 280.252.
- 35 Ill. Adm. Code 731.112, “underground storage tank” (JCAR): Changed “one or combination of tanks . . . which is used” to “one or combination of tanks . . . that is used” for a restrictive relative clause; changed written “ten” to numeric “10”; changed “such term” to “this term”;

changed “49 USC §§ 60101-60140” to “49 USC 60101 through 60140”; changed “which is an interstate pipeline facility” to “that is an interstate pipeline facility” for a restrictive relative clause; changed “49 USC §§ 60105” to “49 USC 60105.”

- 35 Ill. Adm. Code 731.112, “underground storage tank” Board note (JCAR): Corrected “connected any tank” to “connected any tank”” changed “tank which is described” to “tank that is described” for a restrictive relative clause; changed “in the above subsections of this definition” to “subparagraphs of this definition.”
- 35 Ill. Adm. Code 731.162(b) (JCAR): Removed “above” and the offsetting commas from after “subsection (a).”
- 35 Ill. Adm. Code 731.165(a)(3) (JCAR): Corrected “Section 731.160 through Section 731.164” to “Sections 731.160 through 731.164.”
- 35 Ill. Adm. Code 731.166(a) (JCAR): Corrected “Section 731.161 through Section 731.163” to “Sections 731.160 through 731.164” (twice).
- 35 Ill. Adm. Code 731.167(a) (JCAR): Corrected “the Agency provide notice” to “the Agency must provide notice”; removed the underlined added “must” from before “public directly.”
- 35 Ill. Adm. Code 731.250, “airport hydrant fuel distribution system” (JCAR, Board): Added the conjunction “or” before and removed the parentheses from the alternative defined term “airport hydrant system”; changed “system which fuels aircraft” to “system that fuels aircraft” for a restrictive relative clause; changed “piping that typically terminates” to “piping that typically terminates” for a subsequent restrictive relative clause.
- 35 Ill. Adm. Code 731.251(a) Board note (JCAR): Changed the comma after “financial responsibility” to a semicolon; added “of these” offset with a comma as an introductory clause; removed “among these” after “release response requirements; corrected the spelling “Fire Marshall” to “Fire Marshal.”
- 35 Ill. Adm. Code 731.251(b) (Board): Corrected the spelling “regualtions” to “regulations.”
- 35 Ill. Adm. Code 731.251(c) (JCAR): Corrected “subparts A and F” to capitalized “Subparts A and F.”
- 35 Ill. Adm. Code 731.251(d) (JCAR): Corrected “40 FR 280.251(d)” to “40 CFR 280.251(d)”; corrected the spelling “regualtions” to “regulations.”

Table 5:
Requested Revisions to the Text of the Proposed Amendments
Not Made in Final Adoption

35 Ill. Adm. Code 731 authority note

JCAR: Remove the comma from before the ending conjunction in “415 ILCS 5/22.4(d), 22.13(d), and 27.”

Response: The Board uses the convention that uses a comma before the ending conjunction of a series. See the entry in Table 4 above.

Note: See University of Chicago Press, *The Chicago Manual of Style: The Essential Guide for Writers, Editors, and Publishers* ¶¶ 5.31 & 5.57, at 166 & 173 (14th ed. 1993).

35 Ill. Adm. Code 731.110(c)

JCAR: Remove the ending period from the topical subheading.

Response: The Board has consistently used a period for topical subheadings and wishes to retain the period at this time for the sake of consistency.

35 Ill. Adm. Code 731.110(d)

JCAR: Remove the ending period from the topical subheading.

Response: See the entry for 35 Ill. Adm. Code 731.110(c) above in this table.

35 Ill. Adm. Code 731.112, “heating oil”

JCAR: Change the double hyphen in “No. 4--light” to a single hyphen; change the double hyphen in “No. 4--heavy” to a single hyphen; change the double hyphen in “No. 5--light” to a single hyphen; change the double hyphen in “No. 5--heavy” to a single hyphen.

Response: The corresponding federal text in 40 C.F.R. 280.12, “heating oil,” uses em-dashes. An em-dash is appropriate to offset a defining or enumerating complementary element.

Note: See University of Chicago Press, *The Chicago Manual of Style: The Essential Guide for Writers, Editors, and Publishers* ¶¶ 5.108, at 186 (14th ed. 1993).