

## SECOND NOTICE CHANGES

**Agency:** Pollution Control Board

**Rulemaking:** Drycleaner Environmental Response Trust Fund Program (35 Ill. Adm. Code 1501; 46 Ill. Reg. 4621)

### Changes:

1. In lines 80-81, delete "/1 *et. seq.*".
2. In lines 86, 95 and 105, move the citation after the period.
3. In line 107, change "*this State*" to "Illinois".
4. In lines 121-122, move the citation after the period.
5. In line 125, delete "(i)" and "(ii)".
6. In lines 127 and 133-134, delete the citation.
7. In line 130, delete "(i)" and "(ii)".
8. In line 139, delete "*but not limited to*" and move the citation after the period.
9. In line 144, delete the redundant closing bracket.
10. In line 151, move the citation after the period.
11. In line 153, delete "/1 *et. seq.*".
12. In line 163, remove the italics from "*the DERT Fund Act*".
13. In line 164, delete "of this Part" and the citation. After the period add "[415 ILCS 135/5]".
14. In lines 168, 171, and 174, move the citation after the period.
15. In line 178, move the citation after the period.
16. In line 180, delete "(1)".
17. In line 182, delete "(2)". After "*operation*" add a comma. Change "*the*" to "that".
18. In lines 182-183, delete "*under item (1) of this definition*". Move the citation after the

period.

19. In lines 188, 191, 197, and 201, move the citation after the period.
20. In line 203, change "*Sections 58.6 and 58.7*" to "*Title XVII*".
21. In lines 204-205, change "*under those Sections*" to "*to administer that Title.*"
22. In line 205, delete the period after the citation.
23. In lines 210-211, move the citation after the period.
24. In line 219, change "*shall*" to "will".
25. In line 222, change the first "*shall*" to "will" and the second "*shall*" to "may".
26. In line 224, change "[415 ILCS 135/10]." to ". [415 ILCS 135/10(c)]".
27. In line 229, change "*shall*" to "may".
28. In lines 231-232, change "[415 ILCS 135/10]." to ". [415 ILCS 135/10(d)]".
29. In line 234, change "*shall*" to "may".
30. In line 236, change "[415 ILCS 135/55]." to ". [415 ILCS 135/55(a)]".
31. In line 242, change "[415 ILCS 135/55]." to ". [415 ILCS 135/55(b)]".
32. In line 244, delete "*but not limited to*".
33. In line 246, change "*Notwithstanding*" to "Regardless of".
34. In lines 246 and 247, change "*shall*" to "will".
35. In line 249, move the citation after the period.
36. In lines 275, 278, 281, 285, 288, and 292, delete "(3)".
37. In lines 275 and 278, after "after" add "the".
38. In lines 302-303, delete ", but not limited to,".
39. In line 303, change "[415 ILCS 135/12]." to ". [415 ILCS 135/12(a)]".
40. In lines 309-310 and 316-317, move the citation after the period.
41. In line 330, change "*shall*" to "will".
42. In line 331, change "69" to "69(b)". Move the citation after the period. Change "(a)" to

- "(b)".
43. In line 337, change "*shall*" to "will".
  44. In line 344, after the period add "[415 ILCS 135/25(g)]".
  45. In line 346, change "will" to "must".
  46. In line 351, after "Agency" add "*or the Department of Revenue*". Change "*his or her*" to "the Attorney General's".
  47. In line 356, change "[415 ILCS 135/69]." to ". [415 ILCS 135/69(e)]".
  48. In line 360, change "*shall be*" to "are".
  49. In line 362, move the citation after the period.
  50. In lines 366-367, change "be in the form and in a format prescribed by the Agency" to "use the Agency forms available at <https://www2.illinois.gov/epa/topics/forms/land-forms/pages/drycleaner.aspx>".
  51. In line 369, change "or delivered electronically if an electronic form and format is prescribed, to an address designated by the Agency" to "to Illinois EPA, Attn: Drycleaner Trust Fund Program, Mail Code 24, P.O. Box 19276, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276".
  52. In line 371, remove the italics.
  53. In line 398, change "this State" to "Illinois".
  54. In lines 399-401, change "Until July 1, 2020, the license required under this subsection shall be issued by the Council. On or after July 1, 2020, the license required under this subsection shall be issued by the Agency." to "*Until July 1, 2020, the license required under Section 60(a) of the DERT Fund Act will be issued by the Council. On or after July 1, 2020, the license required under this subsection (a) will be issued by the Agency.* [415 ILCS 135/60(a)]".
  55. In line 403, change "should" to "must".
  56. In lines 403-404, change "at least thirty (30) calendar days before expiration" to "by December 2 of each year".
  57. In line 408, change "will" to "must".
  58. In line 409, after "year" add "in which".
  59. Change lines 418-424 to:

- "f) The Agency must issue a license revocation when either:
- 1) The owner or operator fails to maintain continuous environmental liability coverage under Section 1501.300(c); or
  - 2) The Agency determines that the drycleaning facility is not in compliance with this Part."
60. In line 428, after "license" add a comma.
61. In line 437, delete "(45)".
62. In line 440, after "warranted" add a comma.
63. In line 441, change "may" to "must".
64. In line 444, delete "and".
65. In line 447, change the period to "; and".
66. Before line 449, add:
- "C) An explanation of why the response, if submitted, was insufficient to prevent the revocation."
67. In line 464, italicize everything except "license renewal".
68. In line 475, move the citation after the period.
69. In lines 483-484, change "The annual license fees are as follows" to "*The annual fees for licensure are as follows*".
70. In line 486, remove italics from "*drycleaning*".
71. In line 491, after "*hydrocarbon-based*" add "*drycleaning*".
72. In line 496, change "35" to "135".
73. In line 498, remove italics from "*drycleaning*".
74. In line 509, change "35" to "135".
75. In line 511, remove italics from "*drycleaning*".
76. In line 522, change "35" to "135".
77. In line 535, change "35" to "135".

78. In line 548, change "35" to "135".
79. In line 560, change "35" to "135" and "(6-17)" to "(6) through (17)".
80. In line 563, after "solvents" add "used".
81. In line 567, after "under" add "this".
82. In line 571, italicize "In the case of". Change "renewal" to "*a renewal applicant*". Italicize "the quantity".
83. In line 572, italicize "of drycleaning solvents". Change "used" to "*actually purchased in the preceding license year*".
84. In lines 572-573, delete "at the drycleaning facility annually based upon the quantity used at the facility during the preceding calendar year".
85. In line 573, after the period add "[415 ILCS 135/60(c)]".
86. In line 580, delete "(10)".
87. In line 587, delete "(5)".
88. In lines 596 and 599, change "will" to "must".
89. In line 601, delete "(2)".
90. In line 606, change "In determining if a drycleaning solvent is a green solvent" to "For a drycleaning solvent to be classified as a green solvent".
91. In line 606, delete "and/".
92. In line 609, after "and" add "any". After "information" add "requested by". After "Agency" change "considers necessary" to "that is relevant".
93. In line 612, change "Under" to "When it receives". Change "for" to "that". Delete "to".
94. In lines 612 and 614, change "will" to "must".
95. In line 615, after "Board" add "that". Delete "should".
96. In line 616, after "solvent" add a comma.
97. In line 634, change "provides reimbursement to" to "reimburses".
98. In line 640, change "regulations adopted thereunder" to "35 Ill. Adm. Code 740".
99. In line 644, change "*shall*" to "must".

100. In line 655, change "In the case of" to "For".
101. In line 659, change "In the case of" to "For".
102. In lines 664-665, italicize everything except "A completed". Change "by" to "*on or before*". After the period add "[415 ILCS 135/40(d)]".
103. In line 667, delete "of this Section".
104. In lines 667-669, italicize "an eligible claimant requesting reimbursement of eligible costs from the" and "meet all of the following".
105. In line 669, after "*following*" add "requirements".
106. In line 678, after "*with*" delete "*the*".
107. In line 685, change "*Environmental Protection Act*" to "EPAAct".
108. In line 704, change "*shall*" to "must".
109. In line 706, delete "*one hundred and ten percent*".
110. In line 707, delete the parentheses.
111. In lines 710 and 713, delete "*one hundred percent*" and the parentheses.
112. In line 715, delete "*ten percent*" and the parentheses.
113. In line 724, after the period add "[415 ILCS 135/40(c)]".
114. In line 727, change "[insurance]" to "*assurance*".
115. In line 729, delete the citation.
116. In line 734, change "*shall*" to "will".
117. In line 739, move the citation after the period. Change the citation to "[415 ILCS 135/40(c)(6)]".
118. In line 742, delete "coverage,".
119. In line 743, delete the comma.
120. In line 749, change "(7) even" to "(c)(7), even".
121. In line 750, change "so long as" to "if".
122. In lines 761-768, italicize everything except "the DERT Fund Act". Delete the citation.

123. In lines 770-775, italicize everything except "the DERT Fund Act". Delete the citation.
124. In lines 779-786, italicize everything except "the DERT Fund Act". Delete the citation.
125. In lines 788-793, italicize everything except "the DERT Fund Act".
126. In lines 793-794, change "[415 ILCS 135/40(e)(2)]." to ". [415 ILCS 135/40(e)]".
127. In line 806, italicize "subsequent to meeting the" and "active drycleaning facility".
128. In line 807, italicize "deductible requirements of", "reimbursement", and "not".
129. In line 808, italicize "exceed", "\$300,000". Delete "three hundred thousand dollars" and the parentheses.
130. In line 810, italicize "subsequent to meeting the" and "inactive drycleaning facility".
131. In line 811, italicize "deductible requirements of" and "reimbursement".
132. In line 812, italicize "not exceed". Delete "fifty thousand dollars" and the parentheses. Italicize "\$50,000". After the period add "[415 ILCS 135/40(f)(1)]".
133. In lines 814-815, change ", and on" to "and the".
134. In line 825, delete "associated regulations within" and after "EPAct" add a comma.
135. In line 826, change "regulations promulgated thereunder" to "35 Ill. Adm. Code 740".
136. In line 835, after "storage" add a comma.
137. In line 844, after "claims" add a comma.
138. In line 854, change "*shall*" to "must".
139. In line 855, change "*shall*" to "will".
140. In lines 857-858, change "*established* under the DERT Fund Act and this Part" to "in Section 1501.320".
141. In line 858, change "[415 ILCS 135/(f)(9)]" to "[415 ILCS 135/40(f)(9)]".
142. In lines 864 and 866, change "*shall*" to "must".
143. In line 866, after "*subsection*" add "(i)".
144. In line 867, change "[415 ILCS 135/40]." to ". [415 ILCS 135/40(f-5)]".
145. In line 871, italicize "The Agency" and "prioritize". Change "will" to "must".

146. In line 872, italicize "whenever it determines". Change "there" to "*that there*". Italicize "*are not sufficient funds to*".
147. In line 873, italicize "claims" and "In prioritizing".
148. In line 874, change "will" to "must" and italicize "Agency", "consider", and "the following".
149. In line 876, change "is" to "are".
150. In lines 876-877, italicize "the degree to which human health" and "by the release".
151. In lines 879-880, italicize "the reduction of risk to human health" and "from remedial action compared to the cost of the remedial action".
152. In line 882, italicize "the present and planned uses of the impacted property".
153. In line 884, italicize "whether the" and "is currently licensed". After "licensed" change the comma to "and". Italicize "insured, and". Change "all" to "*has paid all*". Italicize "fees and".
154. In line 885, italicize "premiums due". Delete "have been paid".
155. In line 888, change "1501. 340(b)" to "1501.350(b)". After the period add "[415 ILCS 135/25(c)]".
156. In line 891, change "will" to "must".
157. In lines 896-897, change "the effective date of this Part" to "January 17, 2023,".
158. In line 898, change "the effective date of this Part" to "that date".
159. In line 906, after "costs" add a comma.
160. In line 908, change "will" to "must".
161. In line 922, change "number(s)" to "number or numbers".
162. In line 930, after "costs" change "the" to "for which the".
163. In line 931, after "reimbursement" add a comma.
164. In line 934, delete "/or".
165. In line 961, remove italics from "*eventual*".
166. In line 966, change "[415 ILCS 135/40]." to ". [415 ILCS 135/40(f)(8)]".



167. In line 1035, change "number(s)" to "number or numbers".
168. In line 1047, delete "/or".
169. In lines 1123 and 1125, delete "(1)".
170. In line 1124, change "In no case will the Agency" to "The Agency must not".
171. In lines 1140, 1144, and 1149, change "will" to "must".
172. In lines 1151-1152, change "In no case must the Agency" to "The Agency must not".
173. In line 1159, change "*shall*" to "must".
174. In line 1162, remove italics from "*Section*". Change "[415 ILCS 135/40]." to ". [415 ILCS 135/40(k)]". Capitalize "section". Change "*shall*" to "must".
175. In line 1170, italicize "An owner or operator may purchase" and "coverage".
176. In line 1171, italicize "of up to", "\$500,000", and "per drycleaning facility". Delete "five hundred thousand dollars" and the parentheses.
177. In line 1172, italicize "subject to the terms and conditions".
178. In line 1173, italicize "Coverage" and "be limited to".
179. In line 1177, change "[415 ILCS 135/45]." to ". [415 ILCS 135/45(c)]".
180. In lines 1180-1181, delete "five hundred thousand dollars" and the parentheses.
181. In lines 1181-1183, italicize " The Agency is" and "required to resolve whether the owner or operator, or both, are responsible for a release under the terms of an agreement between the owner and operator.".
182. In line 1183, after the period add "[415 ILCS 135/45(a)]".
183. In line 1191, after "*action*" delete the comma and change "*shall*" to "must".
184. In line 1192, delete "*in the amount*".
185. In line 1194, after "penalties" add "under Section 69 of the DERT Fund Act".
186. In line 1195, change "[415 ILCS 135/40]." to ". [415 ILCS 135/40(j)]".
187. In line 1200, delete "twenty-four" and the parentheses.
188. In line 1201, delete "is".

189. In line 1206, italicize "An owner or operator, subject to the". Italicize "terms and conditions". After "of" add "the".
190. In line 1207, italicize "may purchase" and "coverage".
191. In lines 1207-1208, change "provided that" to "if".
192. In line 1210, change "or" to "and".
193. In line 1216, change "meet" to "meets".
194. In line 1218, italicize "Act".
195. In line 1241, change "*One hundred and ten percent (110%)*" to "100%".
196. In lines 1244 and 1247, change "*One hundred percent (100%)*" to "100%".
197. In line 1245, after "of" add "*drycleaning*".
198. In lines 1248-1249, change "*ten percent (10%)*" to "10%".
199. In line 1253, after "*surfaces*" add "*at the facility*".
200. In line 1258, delete "and".
201. Before line 1260, add:

"F) *The drycleaning facility is in compliance with* subsection (a)(2); and".
202. In line 1264, change "Board Note" to "BOARD NOTE". Delete "above".
203. In line 1274, change "ninety (90)" to "90".
204. In line 1278, change "will" to "must".
205. In line 1282, change "certification(s)" to "certifications".
206. In line 1291, change "A" to "The Agency must allow a". Change "sixty (60)" to "60". Delete "will be allowed".
207. In line 1296, after "date" add "on which".
208. In line 1299, delete "above".
209. In line 1301, change "in 1501.420(a)(3)" to "in Section 1501.420(a)(3)".
210. In line 1304, change "must" to "will".
211. In line 1305, after "date" add "on which the Agency receives".

212. In line 1306, delete "is received by the Agency".
213. In line 1308, change "A" to "The Agency must allow a". Change "sixty (60)" to "60". Delete "will be allowed".
214. In line 1312, after "date" add "on which".
215. In lines 1315 and 1320, delete "(6)".
216. In line 1317, after "in" add "Section".
217. In line 1324, change "will" to "must".
218. Italicize lines 1335-1343.
219. In line 1335, change "*must*" to "will".
220. In lines 1338-1339, change "*one thousand five hundred dollars (\$1,500)*" to "\$1,500". Remove italics from "*coverage*".
221. In lines 1342-1343, change "*seven hundred fifty dollars (\$750)*" to "\$750". After the period add "[415 ILCS 135/45(e)]". Remove italics from "*coverage*".
222. In line 1345, italicize "If coverage is purchased for any part of a".
223. In line 1346, italicize "year, the purchaser" and "pay the full annual premium". After the period add "[415 ILCS 135/45(f)]".
224. In lines 1351 and 1353, delete "(6)".
225. In line 1355, italicize "Any insurance coverage provided under", delete "this", and italicize "be subject to a". Change "Section" to "Subpart D".
226. In lines 1355-1356, change "ten thousand-dollar (\$10,000)" to "\$10,000". Italicize "deductible". After the period add "[415 ILCS 135/45(g)]".
227. In line 1360, italicize everything except "must" and approved".
228. In line 1361, change "or" to "*and*". Italicize everything.
229. In line 1362, italicize "an insured drycleaning facility, including". After "including" add "*third-party liability* of the".
230. In lines 1362-1363, delete "liability to third parties".
231. In line 1363, change "for soil or groundwater contamination" to "*for soil and groundwater contamination*".

232. In line 1365, italicize "Coverage". Change "must" to "will". Italicize "not" and "provided for a release that occurred".
233. In line 1366, italicize "coverage". After the period add "[415 ILCS 135/45(c)]".
234. In line 1369, change "five hundred thousand dollars (\$500,000)" to "\$500,000".
235. In line 1370, after "facility" add a comma.
236. In line 1381, change "steps and claim" to "applicable".
237. In line 1407, italicize everything except the second "insurance".
238. In line 1408, italicize "coverage provided by the", "that", "coverage", and "be primary".
239. In line 1409, italicize "be limited to the deductible".
240. In lines 1410-1411, italicize everything except "under this".
241. In line 1412, after the period add "[415 ILCS 135/40(f)(9)]".
242. In line 1417, delete ", in its sole discretion,".
243. In line 1449, change "number(s)" to "number or numbers".
244. In lines 1460 and 1465, change "will" to "must".
245. In line 1466, delete the commas.
246. In line 1470, change "shall" to "must".
247. In line 1490, change "[35 Ill. Adm. Code 740, Subparts D & E]" to "(see 35 Ill. Adm. Code 740, Subparts D and E)".
248. In line 1491, change "will" to "must".
249. In lines 1491-1492, change ", satisfying" to "that satisfies".
250. In line 1492, delete the comma.
251. In line 1500, after "address" add a comma.
252. In line 1501, delete the comma.
253. In line 1504, change "number(s)" to "number or numbers".
254. In line 1517, delete "/or".
255. In line 1535, delete the comma.

256. In line 1536, after "the" add "claimant may revise accordingly and submit the".
257. In lines 1536-1537, delete "may be revised accordingly and resubmitted if the claimant wishes".
258. In lines 1537 and 1538, delete the commas.
259. In line 1545, remove italics from "*eventual*".
260. In line 1550, change "[415 ILCS 135/45]." to ". [415 ILCS 135/45(f)(8)]".
261. In line 1555, after "include" delete the comma.
262. In line 1559, change the first "must be" to "are". Delete the second "must be".
263. In line 1560, delete "must be".
264. In line 1561, change "must not be" to "and not".
265. In lines 1598 and 1606, change "will" to "must".
266. In line 1611, delete the comma.
267. In line 1622, delete "/or".
268. In line 1658, change "[415 ILCS 135/45]." to ". [415 ILCS 135/40(f)(8)]".
269. In line 1700, delete "(1)".
270. In line 1706, after "payment" add a comma.
271. In lines 1713 and 1718, change "will" to "must".
272. In lines 1726-1727, change "In no case must the Agency" to "The Agency must not".

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1/11/23