

## **Illinois Pollution Control Board Advances Proposed Amendments to Its Procedural Rules And Underground Storage Tank Regulations**

The Illinois Pollution Control Board, on October 4, 2007, sent to second notice a proposal amending its procedural rules and underground storage tank (UST) regulations. The proposed amendments, which are contained in docket Proposed Amendments to the Board's Procedural Rules and Underground Storage Tank Regulations to Reflect P.A. 94-0274, P.A. 94-0276, P.A. 94-0824, P.A. 95-0131, P.A. 95-0177, and P.A. 95-0408 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 734.115, 734.710) (R07-17), are intended solely to make the Board's regulations consistent with recent amendments to the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2006)).

In its first-notice proposal, the Board proposed amending the definition of "owner" in Sections 732.103 and 734.115 of its UST regulations to reflect the statutory amendment enacted by P.A. 94-0274. Also in its first-notice proposal, the Board proposed amending its regulations regarding no further remediation (NFR) letters to reflect the statutory amendment enacted by P.A. 92-0276. Additionally, as required by P.A. 94-0824, the Board proposed amending the definition of "pollution control facility" in Section 101.202 (35 Ill. Adm. Code 101.202) of its procedural rules to include a sixteenth exception to that definition.

On August 28, 2007, a hearing officer order extended the comment period specifically to allow comment on whether the Board's second-notice proposal should reflect three more recent Public Acts: P.A. 95-0131, P.A. 95-0177, and P.A. 95-0408, each of which adds an exception to the definition of "pollution control facility." The Board did not receive any comment before the extended deadline. Accordingly, the second-notice proposal reflects the language of all six of these Public Acts.

During the 45-day second-notice period, the Board will accept comments only from the Joint Committee on Administrative Review.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office:

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