

The Board Adopts for Second Notice a Proposal to Amend Underground Storage Tank Regulations

On January 19, 2012, the Board adopted for second notice review by the Joint Committee on Administrative Rules (JCAR) a proposal to amend the Board's underground storage tank (UST) regulations. On February 18, 2011, the Illinois Environmental Protection Agency (IEPA) filed the original rulemaking proposal, which is docketed as In the Matter of: Underground Storage Tanks (35 Ill. Adm. Code 731) and Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732 and 734), R11-22. The IEPA filed the proposal pursuant to Public Act 96-908 (P.A. 96-908), which was signed into law and became effective on June 8, 2010.

The IEPA's proposed amendments are intended to update the Board's regulations to reflect P.A. 96-908, which amended and added provisions to Title XVI of the Environmental Protection Act, which addresses USTs. The IEPA stated that it sought to update Part 731 of the Board's regulations "to clarify the application of Part 734 to owners and operators subject to Title XVI. . . ." The IEPA proposed repealing Part 732 "because it no longer has any application after the enactment of P.A. 96-908." The IEPA also sought to amend Part 734 to reflect statutory amendments adopted in P.A. 96-908.

During the 45-day first-notice comment period, the Board received one comment from the Illinois Petroleum Marketers Association and Illinois Association of Convenience Stores. The comment proposed additional amendments to the UST rules. The Board submits its first-notice proposal without substantive amendment to second notice review by JCAR.

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 from the Clerk's office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act (5 ILCS 140/6 (2010)).

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