

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rule

■ NATURAL GAS STORAGE

The DEPARTMENT OF NATURAL RESOURCES adopted emergency amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 43 Ill Reg 4650) effective 4/4/19 for a maximum of 150 days. The emergency rule implements Public Act 100-1172, which was effective 1/4/19 and required DNR to adopt rules setting minimum safety standards for underground natural gas storage facilities within 3 months. This rule defines a "natural gas incident" as any release of gas from an underground storage facility that results in loss of at least 3 million cubic feet of gas; occurs within ¼ mile of an inhabited dwelling; results in death or personal injury requiring hospitalization; causes property damage in excess of \$10,000; or causes emergency shutdown of an underground natural gas storage facility. Such

incidents must be reported to DNR within 24 hours and all residents and businesses within 1½ miles of the incident must be notified as soon as practically possible. Any gas release of more than 500,000 cubic feet must be reported by the 10th day of the following month and records of these releases must be kept for the life of the facility. Operators of underground gas storage facilities must include in the maps they are required to submit annually to DNR every gas storage field under their control, with the top and bottom depths of the applicable lease or storage rights agreement and any known geological faults in the storage area. Gas storage operators must include in their applications for a well drilling permit an e-mail address to which notices of probable violations may be delivered. A permit will be denied to any applicant that has failed to abate a previous

violation of the Act, is delinquent in payment of annual well fees, or if State funds have been expended to plug one or more abandoned wells owned by the applicant and have not been reimbursed from the DNR Plugging and Restoration Fund. A permit will also be denied if any officer, director, agent, or other person with an ownership interest of more than 5% in the applicant entity had a similar stake in another entity that met those criteria. Gas operators must file inspection and maintenance plans for underground storage facilities on an annual basis; DNR will determine if the plan is adequate and require revisions if the plan is not adequate (a determination that a plan is not adequate may be contested at an administrative hearing). DNR may request action by the Attorney General against an entity

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Emergency Rule

(cont. from page 1)

whose violations create a “substantial and imminent danger” to public health or safety, threaten to contaminate surface or ground water supplies, or have a history of improper disposal, releases or discharges within the previous 2 years. DNR may also order immediate cessation of operations if an operator’s actions threaten public health and safety, create an immediate threat of significant environmental harm or damage to property, or if the operator has failed to meet other requirements (e.g., payment of annual well fees). DNR shall conduct annual

inspections of all gas storage fields lying within the footprint of an aquifer that serves as the sole or primary source of drinking water in an area, and beginning 1/1/19, will assess an annual inspection fee upon affected permit holders. Fees collected will be deposited into DNR’s Underground Resources Conservation Enforcement Fund. Permittees may contest the amount of their annual fees by submitting a written objection within 30 days after receiving their assessment. Fees not paid within 90 days after assessment are considered delinquent. Permittees with delinquent fees will be barred from operating or

transferring wells until all fees and penalties are paid. Other provisions address determination of civil penalties; compromise agreements that reduce or eliminate civil penalties; enforcement hearings; cessation orders; temporary relief hearings; and waivers. Those affected by this emergency rule include holders of DNR permits for underground natural gas wells and storage facilities.

Questions/requests for copies: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/524-2163.

New Rule

■ FORENSIC TESTING

The DEPARTMENT OF STATE POLICE adopted amendments to Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 IAC 1286; 42 Ill Reg 15020), effective 4/5/19, updating procedures for responding to subpoenas that request accuracy checks, calibrations, tests or maintenance and repair records

for evidentiary testing instruments (e.g., breathalyzers). DSP is also removing two models of evidentiary instruments approved for use in Illinois effective 1/1/19; allowing its director to remove from active service, at his or her discretion, any approved evidentiary instrument from any department, agency or sheriff’s office based on lack of use; and applying the

sample collection procedures in the Part to other bodily substances as well as breath, blood or urine. Municipal police departments may be affected by this rulemaking.

Questions/requests for copies: Matthew R. Rentschler, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

Proposed Rulemaking

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 43 Ill Reg 4543) making the Part generally effective for the 2020 fiscal year. The rulemaking also adjusts in-hire rates for Physician Specialist Options C and D titles to reflect closure of the Singer Mental Health Center (Rockford) and

addition of the Ludeman Developmental Center (Park Forest); updates the list of divided classes represented by more than one bargaining unit; adds or removes titles recently created or abolished by the Civil Service Commission and assigns Merit Compensation System (MS) salary ranges to the new titles; and updates pay rates for Boiler Safety Specialists and Boiler Safety Audit Specialists

(employed by the Office of the State Fire Marshal) based on prevailing wages in the Central and Southern regions.

Questions/requests for copies/comments through 6/3/19: Lisa Fendrich, CMS, 504 Stratton Bldg. Springfield IL 62706, 217.782-7976, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the May 14, 2019 JCAR meeting. Other items not included in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

IL RACING BOARD

Medication (11 IAC 603; 43 Ill Reg 2217) proposed 2/5/19

DEPT OF FINANCIAL & PROFESSIONAL REGULATION

Nurse Practice Act (68 IAC 1300; 42 Ill Reg 18179) proposed 10/12/18

Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 (68 IAC 1240; 43 Ill Reg 1681) proposed 2/8/19

DEPT OF HEALTHCARE & FAMILY SERVICES

Specialized Healthcare Delivery Systems (89 IAC 146; 42 Ill Reg 17309) proposed 10/5/18

Joint Committee on Administrative Rules

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