

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.

Proposed Rulemakings

■ NATURAL GAS STORAGE

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 43 Ill Reg 6113) implementing Public Act 100-1172. A nearly identical emergency rule (43 Ill Reg 4650) was adopted effective 4/4/19 for a maximum of 150 days and a public hearing on the proposed rule has been scheduled. The proposed rulemaking 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, or that releases at least 500,000 cubic feet of gas and 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 or businesses within 1 ½ 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

DNR Public Hearing, Page 3

of the facility. Operators of underground gas storage facilities must include in the maps they 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

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New Rules

■ SOS REMITTANCE AGENTS

The SECRETARY OF STATE adopted amendments to the Part titled Remittance Agents (92 IAC 1019; 42 Ill Reg 24846), effective 5/9/19, reflecting a statutory requirement that the offices of remittance agents (individuals or businesses who process vehicle title transfers, payments for license plate stickers, etc.) operate only at the locations set forth in their licenses. Offices must have working printer and fax capabilities. The rulemaking also requires remittance agents to authorize background checks on employees and to disclose whether any civil, criminal or administrative proceeding under the Retailer's Occupation Tax Act has determined the applicant to have committed a violation within the past 3 years. Since 1st Notice, SOS removed a specific

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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.

New Rules

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requirement that remittance agent business offices be permanently mounted on fixed foundations and not include axle-mounted, moveable trailers; removed proposed new recordkeeping requirements; and added the requirement to disclose recent sales tax violation proceedings. Businesses that provide license and title services are affected.

SOS PROCUREMENT

SOS also adopted amendments to Secretary of State Standard Procurement (44 IAC 2000; 42 Ill

Reg 24773), effective 5/9/19, allowing SOS procurement notices to be published in any procurement bulletin produced by a State agency or institution, instead of only the Illinois Procurement Bulletin published by the Department of Central Management Services.

Questions/requests for copies of the 2 SOS rulemakings: Amy Williams, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, Awilliams3@ilsos.net

ENVIRONMENTAL LABS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted

an amendment to Accreditation of Environmental Laboratories (35 IAC 186; 42 Ill Reg 24373), effective 7/1/19, updating minimum standards for the operation of environmental laboratories. The rulemaking updates existing incorporations by reference of federal regulations and various testing standards and also adds new incorporations.

Questions/requests for copies: Rex L. Gradeless, IEPA, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield IL 62794-9276, 217/782-5544.

Proposed Rulemakings

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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 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 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

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Proposed Rulemakings

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determination of civil penalties; compromise agreements that reduce or eliminate civil penalties; enforcement hearings; cessation orders and temporary relief hearings; and waivers. Those affected by this rulemaking include holders of DNR permits for underground natural gas wells and storage facilities and residents or businesses located near underground natural gas storage facilities.

Questions/requests for copies/comments through 7/8/19: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/524-2163.

■ SOS PROCUREMENT

The SECRETARY OF STATE proposed an amendment to Secretary of State Standard Procurement (44 IAC 2000; 43 Ill Reg 6158) raising its small purchase thresholds (below which competitive bidding is not required) to \$80,000 for construction projects, supplies and all services other than

■ NATURAL GAS STORAGE

The DEPARTMENT OF NATURAL RESOURCES will hold a public hearing on proposed amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 43 Ill Reg 6113) on **Wed., June 19, from 3 to 6 p.m.** at the DNR headquarters, One Natural Resources Way (State Fairgrounds), Springfield. The hearing concerns proposed

professional and artistic services. (Currently, the thresholds are \$30,000 for construction and \$40,000 for supplies and services.) Small businesses seeking procurement contracts with SOS may be affected.

Questions/requests for copies/comments through 7/8/19: Amy Williams, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, Awilliams3@ilsos.net

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM

DNR Public Hearing

amendments appearing in this week's *Illinois Register* and summarized in this issue of The Flinn Report. Organizations planning to offer testimony are requested to select one person to testify on their behalf.

Questions concerning the rulemaking or public hearing: John Fischer, at the DNR address listed at left.

proposed an amendment to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1504; 43 Ill Reg 6166) to clarify the funding source for its recently instituted accelerated pension benefit payment programs.

Questions/requests for copies/comments through 7/8/19: Jeff Houch, State Retirement Systems, 2101 S. Veterans Pkwy., P.O. Box 19255, Springfield IL 62794-9255, 217/524-8105, fax 217/557-3943, jeff.houch@srs.illinois.gov

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the June 11, 2019 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

DEPT OF INSURANCE

Worker's Compensation Electronic and Standardized Paper Billing (50 IAC 2908; 43 Ill Reg 960) proposed 1/11/19