

2009

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 33, Issue 34
August 21, 2009
Pages 11919-12055

Index Department
Administrative Code Division
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

August 21, 2009 Volume 33, Issue 34

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Conditions of Employment	
80 Ill. Adm. Code 303.....	11919
REVENUE, DEPARTMENT OF	
Retailers' Occupation Tax	
86 Ill. Adm. Code 130.....	11921

ADOPTED RULES

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Payment	
89 Ill. Adm. Code 140.....	11938
POLLUTION CONTROL BOARD	
Permits and General Provisions	
35 Ill. Adm. Code 201.....	11965
Definitions and General Provisions	
35 Ill. Adm. Code 211.....	11982
Nitrogen Oxides Emissions	
35 Ill. Adm. Code 217.....	11999

EMERGENCY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Conditions of Employment	
80 Ill. Adm. Code 303.....	12032

PEREMPTORY RULES

AGRICULTURE, DEPARTMENT OF	
Meat and Poultry Inspection Act	
8 Ill. Adm. Code 125.....	12040

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	12048

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS	
Executive Order Rescinding Executive Order Numbers 06-09 and 08-09	
2009-17.....	12050
PROCLAMATIONS	
National Council of La Raza Day	
2009-236.....	12051
Mark Buehrle Day	
2009-237.....	12052
Breastfeeding Promotion Month	
2009-238.....	12053
Child Support Awareness Month	

2009-239.....	12054
Sergeant Gerrick D. Smith	
2009-240.....	12054

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009
23	May 26, 2009	June 5, 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2009	June 12, 2009
25	June 8, 2009	June 19, 2009
26	June 15, 2009	June 26, 2009
27	June 22, 2009	July 6, 2009
28	June 29, 2009	July 10, 2009
29	July 6, 2009	July 17, 2009
30	July 13, 2009	July 24, 2009
31	July 20, 2009	July 31, 2009
32	July 27, 2009	August 7, 2009
33	August 3, 2009	August 14, 2009
34	August 10, 2009	August 21, 2009
35	August 17, 2009	August 28, 2009
36	August 24, 2009	September 4, 2009
37	August 31, 2009	September 11, 2009
38	September 8, 2009	September 18, 2009
39	September 14, 2009	September 25, 2009
40	September 21, 2009	October 2, 2009
41	September 28, 2009	October 9, 2009
42	October 5, 2009	October 16, 2009
43	October 13, 2009	October 23, 2009
44	October 19, 2009	October 30, 2009
45	October 26, 2009	November 6, 2009
46	November 2, 2009	November 13, 2009
47	November 9, 2009	November 20, 2009
48	November 16, 2009	November 30, 2009
49	November 23, 2009	December 4, 2009
50	November 30, 2009	December 11, 2009
51	December 7, 2009	December 18, 2009
52	December 14, 2009	December 28, 2009

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3) Section Number: 303.120 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415/8c(2), 20 ILCS 415/8e, 20 ILCS 415/9], Civil Administrative Code of Illinois [20 ILCS 405/405-10], and P.A. 96-45
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth a furlough program that agencies may implement when conditions require an agency to curtail its operations. This rulemaking defines a furlough program, employees that may be excluded from a furlough program, and the approval process for a furlough program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

217/785-1793

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Agencies will need to have employees report furlough time on timesheets and determine the value of furlough time for each employee. Agencies are required to track furlough time and the cost savings to the State.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: it was not anticipated at the time of filing the regulatory agenda.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment and begins on page 12032 in this issue of the *Illinois Register*:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: 130.1954 Proposed Action: New Section
- 4) Statutory Authority: 35 ILCS 120/2-54
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rule implements Section 2-54 of the Retailers' Occupation Tax Act. 35 ILCS 120/2-54. Section 2-54 was enacted as part of PA 94-1021 effective July 12, 2006, and creates an exemption for building materials to be incorporated into real estate within a River Edge Redevelopment Zone. Each retailer that makes a qualified sale of building materials to be incorporated into real estate within a River Edge Redevelopment Zone in accordance with the River Edge Redevelopment Zone Act by remodeling, rehabilitating, or new construction may deduct receipts from those sales when calculating the tax imposed by the Retailers' Occupation Tax Act. A "qualified sale" means a sale of building materials that will be incorporated into real estate as part of an industrial or commercial project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the corporate authorities of the municipality in which the building project is located.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect: No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.502	Amendment	33 Ill. Reg. 9252; July 6, 2009
130.510	Amendment	33 Ill. Reg. 9252; July 6, 2009
130.310	Amendment	33 Ill. Reg. 11230; July 31, 2009

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Richard S. Wolters
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Retailers making qualified sales of tangible personal property for incorporation into a River Edge Redevelopment Zone.
 - B) Reporting, bookkeeping or other procedures required for compliance: Minimal record keeping requirements.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section

130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section

130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section

130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

	Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART I: PENALTIES AND INTEREST

Section

- 130.901 Civil Penalties
- 130.905 Interest
- 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section

- 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

- 130.1101 Definition of Federal Area
- 130.1105 When Deliveries on Federal Areas Are Taxable
- 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

- 130.1201 General Information
- 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

- 130.1301 When Lessee of Premises Must File Return for Leased Department
- 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
- 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for
Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- [130.1954 River Edge Redevelopment Zones](#)
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
- 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
- 130.2020 Physicians and Surgeons
- 130.2025 Picture-Framers
- 130.2030 Public Amusement Places
- 130.2035 Registered Pharmacists and Druggists
- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
- 130.2050 Sales and Gifts By Employers to Employees
- 130.2055 Sales by Governmental Bodies
- 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
- 130.2065 Sales of Automobiles for Use In Demonstration (Repealed)
- 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
- 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
- 130.2076 Sales to Purchasers Performing Contracts with Governmental Bodies
- 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
- 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
- 130.2090 Sales to Railroad Companies
- 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2101 Sellers of Floor Coverings
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
- 130.2110 Sellers of Seeds and Fertilizer
- 130.2115 Sellers of Machinery, Tools and Special Order Items
- 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
- 130.2125 Trading Stamps, Discount Coupons, Automobile Rebates and Dealer Incentives
- 130.2130 Undertakers and Funeral Directors
- 130.2135 Vending Machines
- 130.2140 Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
- 130.2145 Vendors of Meals
- 130.2150 Vendors of Memorial Stones and Monuments
- 130.2155 Tax Liability of Sign Vendors
- 130.2156 Vendors of Steam
- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

130.2165 Veterinarians
130.2170 Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card

130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. _____, effective _____.

SUBPART S: SPECIFIC APPLICATIONS

Section 130.1954 River Edge Redevelopment Zones

- a) River Edge Redevelopment Zone – In General
 - 1) Effective July 12, 2006, each retailer that makes a qualified sale of building materials to be incorporated into real estate within a River Edge Redevelopment Zone in accordance with the River Edge Redevelopment Zone Act by remodeling, rehabilitating, or new construction may deduct receipts from those sales when calculating the tax imposed by the Act. (Section 2-54 of the Retailers' Occupation Tax Act [35 ILCS 120/2-54]).
 - 2) A "qualified sale" means a sale of building materials that will be incorporated into real estate as part of an industrial or commercial project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the corporate authorities of the municipality in which the building project is located. (Section 2-54 of the Retailers' Occupation Tax Act [35 ILCS 120/2-54])
 - 3) "Industrial project" means:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- A) a capital project, including one or more buildings and other structures, improvements, machinery and equipment, whether or not on the same site or sites, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise, including, but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities;
- i) the sites of any of the facilities listed in subsection (a)(3)(A)(i) and other rights in land for those facilities, whether improved or unimproved;
- ii) site preparation and landscaping;
- iii) all appurtenances and facilities incidental to the facilities listed in subsection (a)(3)(A)(i), such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment, and other necessary or convenient improvements; or
- B) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.
- 4) "Commercial project" means any project, including but not limited to one or more buildings and other structures, improvements, machinery and equipment, whether or not on the same site or sites, suitable for use by any retail or wholesale concern, distributorship or agency, any cultural facilities of a for-profit or not-for-profit type, including but not limited to educational, theatrical, recreational and entertainment, sports facilities, racetracks, stadiums, convention centers, exhibition halls, arenas, opera

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

houses and theaters, waterfront improvements, swimming pools, boat storage, moorage, docking facilities, restaurants, velodromes, coliseums, sports training facilities, parking facilities, terminals, hotels and motels, gymnasiums, medical facilities and port facilities.

- 5) Nothing in the definitions of "industrial project" or "commercial project" is meant to imply that the building materials exemption for an industrial project or commercial project may extend beyond the borders of the River Edge Redevelopment Zone or may extend beyond the exemption of sales of building materials incorporated into an industrial project or commercial project.

b) Building Materials Purchased for Physical Incorporation into Real Estate Located in a River Edge Redevelopment Zone

- 1) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of the following items can qualify for the deduction:
- A) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal;
 - B) plumbing systems and components such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes;
 - C) heating systems and components such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators;
 - D) electrical systems and components such as wiring, outlets and light fixtures that are physically incorporated into the real estate;
 - E) central air conditioning systems, ventilation systems and components that are physically incorporated into the real estate;
 - F) built-in cabinets and other woodwork that are physically incorporated into the real estate can qualify for the deduction;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- G) built-in appliances such as refrigerators, stoves, ovens and trash compactors that are physically incorporated into the real estate; and
 - H) floor coverings such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as tacking strips or tack-down strips).
- 2) Items that are not physically incorporated into the real estate cannot qualify for the deduction. For example, gross receipts from sales of the following do not qualify:
 - A) tools, machinery, equipment, fuel, forms and other items that may be used by a construction contractor at a River Edge Redevelopment Zone site, but that are not physically incorporated into the real estate;
 - B) free-standing appliances such as stoves, oven, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers that may be connected to and operate from a building's electrical or plumbing system but that do not become a component of those systems; and
 - C) floor coverings that are area rugs or that are attached to the structure using only two-sided tape.
- 3) Building materials incorporated into stand-alone residential homes, residential apartments, residential condominiums, residential townhouses, residential duplexes, residential buildings or residential structures do not qualify for the deduction. Building materials physically incorporated into a commercial project, a portion of which is dedicated for residential purposes, shall be allocated on a square-footage basis for common building materials (for example, lumber, cement, bricks, insulation, air conditioning and heating equipment serving an entire project and roofing materials) and directly allocated to either the commercial portion or residential portion when direct allocation of the building materials is possible (for example, bathtubs, sinks, lavatories, cabinets, built-in

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

appliances and air conditioning and heating equipment serving individually owned or leased units or space). Only the building materials allocated to the commercial portion of the project can qualify for the deduction.

c) Certificate of Eligibility for Sales Tax Exemption

- 1) To document the exemption, the retailer must obtain from the purchaser a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the corporate authorities of the municipality in which the real estate into which the building materials will be incorporated is located. The Certificate of Eligibility for Sales Tax Exemption must be obtained by the retailer prior to the sale.
- 2) The Certificate of Eligibility for Sales Tax Exemption must contain all of the following:
 - A) a statement that the commercial or industrial project identified in the Certificate meets all the requirements of the jurisdiction in which the project is located;
 - B) the location or address of the building project; and
 - C) the signature of the chief executive officer of the municipality in which the building project is located, or the chief executive officer's delegate.
- 3) In order to properly document this exemption, prior to the sale the retailer must also obtain a certificate from the purchaser that contains all of the following:
 - A) a statement that the building materials are being purchased for incorporation into real estate located in a River Edge Redevelopment Zone included in a redevelopment project area in accordance with the River Edge Redevelopment Zone Act;
 - B) the location or address of the real estate into which the building materials will be incorporated;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- C) *the name of the River Edge Redevelopment Zone in which the real estate is located;*
- D) *a description of the building materials being purchased; and*
- E) *the purchaser's signature and date of purchase. [35 ILCS 120/2-54]*

(Source: Added at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
 - 2) Code Citation: 89 Ill. Adm. Code 140
 - 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
140.16	Amendment
140.44	New Section
 - 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
 - 5) Effective Date of Amendments: August 17, 2009
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? No
 - 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notice of Proposal Published in Illinois Register: August 29, 2008; 32 Ill. Reg. 14003
 - 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
 - A) Statement of Objection and Filing Prohibition: April 3, 2009; 33 Ill. Reg. 5030
 - B) Agency Response: July 6, 2009; 33 Ill. Reg. 9465
 - C) Date Agency Response Submitted for Approval to JCAR: June 19, 2009
- Note that JCAR withdrew its filing prohibition in the July 31, 2009 *Illinois Register* at 33 Ill. Reg. 11358 contingent upon agency modification of the rule text.
- 11) Differences Between Proposal and Final Version: Upon agreement with JCAR, Second Notice changes deleted all proposed language to Section 140.14 from this rulemaking. In addition:

In Section 140.16, "subsection (b)" was stricken and subsection (c) was relabeled to "b)".

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In Section 140.44(c)(2), the phrase "the Illinois Administrative Code" was deleted and replaced with "89 Ill. Adm. Code: Chapter I".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.413	Amendment	August 22, 2008; 32 Ill. Reg. 13761
140.435	Amendment	August 22, 2008; 32 Ill. Reg. 13761
140.436	Amendment	August 22, 2008; 32 Ill. Reg. 13761
140.3	Amendment	January 30, 2009; 33 Ill. Reg. 1617
140.403	New Section	January 30, 2009; 33 Ill. Reg. 1617
140.400	Amendment	March 27, 2009; 33 Ill. Reg. 4468
140.425	Amendment	April 10, 2009; 33 Ill. Reg. 5178
140.992	Amendment	July 31, 2009; 33 Ill. Reg. 11174
140.994	Amendment	July 31, 2009; 33 Ill. Reg. 11174

- 15) Summary and Purpose of Amendments: The rulemaking establishes that HFS may suspend or terminate the eligibility of any person, firm, corporation, or other entity to participate as a provider if, after notice and opportunity for a hearing, HFS finds the provider, a person with management responsibility of a provider, an officer or person owning 5% or more of the shares of stock in a corporation, an owner of a sole proprietorship, or a partner in a partnership has been convicted of a felony offense related to murder or a Class X felony under the Criminal Code of 1961.

In addition, the rulemaking implements provisions that permit the Department to temporarily withhold payments, in whole or part, to a provider or alternate payee upon receipt of credible evidence that the payments involve fraud or willful misrepresentation. The Department must notify the provider or alternate payee of its intent to withhold and provide an opportunity for the provider or alternate payee to request a reconsideration of the withholding.

- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/557-7157

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

	Suspension or Barring
140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Sanctioned Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.44	Withholding of Payments Due to Fraud or Misrepresentation
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Recodified)
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

140.400 Payment to Practitioners
140.402 Copayments for Noninstitutional Medical Services
140.405 SeniorCare Pharmaceutical Benefit (Repealed)
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
(Repealed)
140.425 Podiatry Services
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
140.428 Chiropractic Services
140.429 Limitations on Chiropractic Services (Repealed)
140.430 Independent Clinical Laboratory Services
140.431 Services Not Covered by Independent Clinical Laboratories
140.432 Limitations on Independent Clinical Laboratory Services
140.433 Payment for Clinical Laboratory Services
140.434 Record Requirements for Independent Clinical Laboratories
140.435 Advanced Practice Nurse Services
140.436 Limitations on Advanced Practice Nurse Services
140.438 Imaging Centers
140.440 Pharmacy Services
140.441 Pharmacy Services Not Covered
140.442 Prior Approval of Prescriptions
140.443 Filling of Prescriptions
140.444 Compounded Prescriptions

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Services
140.453	Definitions
140.454	Types of Mental Health Services
140.455	Payment for Mental Health Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Hospital-Based and Encounter Rate Clinic Payments
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics (Repealed)
140.467	Independent Clinics
140.469	Hospice
140.470	Eligible Home Health Providers
140.471	Description of Home Health Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478	Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482	Family Planning Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 140.568 Duration of Incentive Payments (Repealed)
- 140.569 Clients With Exceptional Care Needs
- 140.570 Capital Rate Component Determination
- 140.571 Capital Rate Calculation
- 140.572 Total Capital Rate
- 140.573 Other Capital Provisions
- 140.574 Capital Rates for Rented Facilities
- 140.575 Newly Constructed Facilities (Repealed)
- 140.576 Renovations (Repealed)
- 140.577 Capital Costs for Rented Facilities (Renumbered)
- 140.578 Property Taxes
- 140.579 Specialized Living Centers
- 140.580 Mandated Capital Improvements (Repealed)
- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
- 140.582 Cost Adjustments
- 140.583 Campus Facilities
- 140.584 Illinois Municipal Retirement Fund (IMRF)
- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
- 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
- 140.650 Certification of Developmental Training (DT) Programs
- 140.651 Decertification of Day Programs
- 140.652 Terms of Assurances and Contracts
- 140.680 Effective Date Of Payment Rate
- 140.700 Discharge of Long Term Care Residents
- 140.830 Appeals of Rate Determinations
- 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

LOCAL GOVERNMENTAL ENTITIES

Section

140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities (Repealed)
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND
REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
- 140.942 Definition of Terms (Recodified)
- 140.944 Notification of Negotiations (Recodified)
- 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
- 140.948 Negotiation Procedures (Recodified)
- 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
- 140.952 Closing an ICARE Area (Recodified)
- 140.954 Administrative Review (Recodified)
- 140.956 Payments to Contracting Hospitals (Recodified)
- 140.958 Admitting and Clinical Privileges (Recodified)
- 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
- 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
- 140.964 Contract Monitoring (Recodified)
- 140.966 Transfer of Recipients (Recodified)
- 140.968 Validity of Contracts (Recodified)
- 140.970 Termination of ICARE Contracts (Recodified)
- 140.972 Hospital Services Procurement Advisory Board (Recodified)
- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section

- 140.990 Primary Care Case Management Program
- 140.991 Primary Care Provider Participation Requirements
- 140.992 Populations Eligible to Participate in the Primary Care Case Management Program

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.993	Care Management Fees
140.994	Panel Size and Affiliated Providers
140.995	Mandatory Enrollment
140.996	Access to Health Care Services
140.997	Payment for Services

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

- a) The Department may terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate or not renew a vendor's provider agreement, when it determines that, at any time:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) TheSuch vendor is not complying with the Department's policy or rules, or with the terms and conditions prescribed by the Department in any vendor agreement developed as a result of negotiations with the vendor category, or with the covenants contained in certifications bearing the vendor's signature on claims submitted to the Department by the vendor, or with restrictions on participation imposed pursuant to Section 140.32(f);
- 2) TheSuch vendor is not properly licensed or qualified, or thesuch vendor's professional license, certificate or other authorization has not been renewed or has been revoked, suspended or otherwise terminated as determined by the appropriate licensing, certifying or authorizing agency;
- 3) TheSuch vendor violates records requirements.
 - A) TheSuch vendor has failed to keep or make available for inspection, audit or copying (including photocopying), after receiving a written request from the Department;
 - i) such records ~~as are~~ required to be maintained by the Department or ~~as are~~ necessary to fully disclose the extent of the services or supplies provided; or
 - ii) such records ~~as are~~ required to be maintained by the Department regarding payments claimed for providing services.
 - B) This subsection (a)(3)Section does not require vendors to make available medical records of patients for whom services are not reimbursed under the Illinois Public Aid Code;
- 4) TheSuch vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services, or has failed to furnish all information required by the Department in connection with the rendering of services or supplies to recipients of public assistance by the vendor or; his or her agent, employer or employee;
- 5) TheSuch vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Medical Assistance Program. For purposes of this

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~subsection (a)(5)Section~~, statements or representations made "knowingly" shall include statements or representations made with actual knowledge that they were false as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause one to be aware that the statements or representations were false when made;

- 6) ~~TheSuch~~ vendor has submitted claims for services or supplies ~~thatwhich~~ were not rendered or delivered by that vendor;
- 7) ~~TheSuch~~ vendor has furnished goods or services to a recipient ~~thatwhich~~, when based upon competent medical judgment and evaluation, are determined to be:
 - A) in excess of the recipient's needs,
 - B) harmful to the recipient (for the purpose of this ~~subsection (a)(7)(B)Section~~, "harmful" goods or services caused actual harm to a recipient or placed a recipient at risk of harm, or of adverse side effects, ~~that-which~~ outweighed the medical benefits sought to be provided), or
 - C) of grossly inferior quality;
- 8) ~~TheSuch~~ vendor knew or should have known that a person with management responsibility for a vendor~~;~~ an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor~~;~~ an investor in the vendor~~;~~ a technical or other advisor of the vendor~~;~~ an owner of a sole proprietorship ~~thatwhich~~ is a vendor~~;~~ or a partner in a partnership ~~thatwhich~~ is a vendor was previously terminated or barred from participation in the Medical Assistance Program;
- 9) ~~TheSuch~~ vendor engaged in practices prohibited by Federal or State law or regulation.
 - A) ~~TheSuch~~ vendor, a person with management responsibility for a vendor~~;~~ an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

corporate vendor;[;] an owner of a sole proprietorship ~~that~~^{which} is a vendor, or a partner in a partnership ~~that~~^{which} is a vendor, either:

- i) has engaged in practices prohibited by applicable Federal or State law or regulation; or
 - ii) was a person with management responsibility for a vendor at the time that ~~the~~^{such} vendor engaged in practices prohibited by applicable Federal or State law or regulation; or
 - iii) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a vendor at the time ~~the~~^{such} vendor engaged in practices prohibited by applicable Federal or State law or regulation; or
 - iv) was an owner of a sole proprietorship or partner of a partnership ~~that~~^{which} was a vendor at the time ~~the~~^{such} vendor engaged in practices prohibited by applicable Federal or State law or regulation;
- B) For purposes of ~~this~~ subsection (a)(9), ~~of this Section~~ "applicable Federal or State law or regulation" shall include licensing or certification standards contained in State or Federal law or regulations related to the Medical Assistance Program, any other licensing standards as they relate to the vendor's practice or business or any Federal or State laws or regulations related to the Medical Assistance Program;
- C) For purposes of ~~this~~ subsection (a)(9), ~~of this Section~~ conviction or a plea of guilty to activities violative of applicable Federal or State law or regulation shall be conclusive proof that ~~those~~^{such} activities were engaged in;
- 10) ~~The~~^{Such} vendor, a person with management responsibility for a vendor;[;] an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor;[;] an owner of a sole proprietorship ~~that~~^{which} is a vendor, or a partner in a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

partnership ~~that~~^{which} is a vendor, has been convicted in this or any other State, or in any Federal Court, of any felony not related to the Medical Assistance Program, if ~~the~~^{such} felony constitutes grounds for disciplinary action under the licensing ~~Act~~^{act} applicable to that individual or vendor;

11) The vendor, a person with management responsibility for a vendor, an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor, an owner of a sole proprietorship that is a vendor, or partner in a partnership that is a vendor has been convicted in this or any other state, or in any Federal court, of murder or a Class X felony under the Illinois Criminal Code of 1961;

1244) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

~~b) If any of the activities described in subsections (a)(1) through (a)(9) above were engaged in prior to December 1, 1977, they may be used as the basis for termination only if the vendor had actual or constructive knowledge of the requirements which applied to his conduct or activities.~~

be) The Department may suspend a vendor's eligibility to participate in the Medical Assistance Program if the vendor is not in compliance with State income tax requirements, child support payments in accordance with Article X of the Public Aid Code, or educational loans guaranteed by the Illinois Student Assistance Commission. The vendor may prevent suspension of eligibility by payment of past-due amounts in full or by entering into payment arrangements acceptable to the appropriate State agency.

(Source: Amended at 33 Ill. Reg. 11938, effective August 17, 2009)

[Section 140.44 Withholding of Payments Due to Fraud or Misrepresentation](#)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) Payments on pending and subsequently submitted bills may be withheld, in whole or in part, to a provider or alternate payee, upon receipt by the Department of evidence from State or Federal law enforcement or Federal oversight agencies or from the results of a preliminary Department audit and determined by the Department to be credible, that the circumstances giving rise to the need for a withholding of payments may involve fraud or willful misrepresentation under the Illinois Medical Assistance Program. For purposes of this Section, "credible evidence" is defined as evidence that reasonable people would agree as being trustworthy and reliable. Payments may be withheld without first notifying the provider or alternate payee of its intention to withhold the payments.
- b) The Department must send notice of its withholding within 5 days after taking that action. The notice must set forth the general allegations as to the nature of the withholding, but need not disclose any specific information concerning the ongoing investigation. The notice must also state the following:
- 1) The payments are being withheld in accordance with 305 ILCS 5/12-4.25 (K).
 - 2) The withholding is for a temporary period; the notice shall cite the circumstances under which withholding will be terminated.
 - 3) When appropriate, the type of claim for which withholding is effective.
 - 4) The provider or alternate payee has the right to submit written evidence for reconsideration of the withholding of payments by the Department.
 - 5) A written request may be made to the Department for full or partial release of withheld payments and the request may be made at any time after the Department first withholds the payments.
- c) All withholding of payment actions under this Section shall be temporary and shall not continue after any of the following:
- 1) The Department or the prosecuting authorities determine that there is insufficient evidence of fraud or willful misrepresentation by the provider or alternate payee.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) Legal proceedings related to the provider's or alternate payee's alleged fraud, willful misrepresentation, or violations of Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or violations of 89 Ill. Adm. Code: Chapter I are completed. If the Department commences an administrative proceeding that seeks the termination of the provider or revocation of the alternate payee, withholding will continue in conformance with 89 Ill. Adm. Code 104.272.
- 3) The withholding of payments for a period of 3 years.
- d) The provider or alternate payee request for reconsideration of payment withholding, or request for full or partial release of payments withheld, must be in writing, set out the reasons for the request, and be sent to the Office of Inspector General at 404 North Fifth Street, Springfield, Illinois 62706, or by e-mail to oigwebmaster@illinois.gov. The request may include documentation that the allegations of fraud or willful misrepresentation involving the Medical Assistance Program did not take place.
- e) Partial or full release of payments on pending and subsequently submitted bills may be granted, at the discretion of the Inspector General of the Department, when it is in the best interest of the recipients of medical assistance. This may include, but not be limited to, access to medical services for recipients or the potential movement of patients from long term care settings.

(Source: Added at 33 Ill. Reg. 11938, effective August 17, 2009)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Number: 201.146 Adopted Action:
Amend
- 4) Statutory Authority: 415 ILCS 5/27 and 28
- 5) Effective Date of Amendments: August 6, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 31, 2008; 32 Ill. Reg. 17035
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The amendments control NO_x emissions from engines and turbines located at 100 ton per year sources located in the Chicago and Metro East/St. Louis nonattainment areas with a capacity of 500 brake horsepower (bhp) or 3.5 megawatts (MW). In first proposing the amendments, the Agency stated that the regulations would help Illinois to meet Clean Air Act (CAA) requirements for NO_x reasonably available control technology (RACT) under the eight-hour National Ambient

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Air Quality Standard (NAAQS) for ozone and would also improve air quality by reducing precursors of fine particulate matter (PM_{2.5}).

In Part 201, the proposal substantively amends only a single exemption from state permit requirements in order to conform with amendments to Part 217 proposed in the same Board rulemaking docket.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Tim Fox
Illinois Pollution Control Board
100 W. Randolph Suite 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-19 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONSPART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from State Permit Requirements
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
PERMITS FOR CERTAIN SMALLER SOURCES

Section	
201.180	Applicability (Repealed)
201.181	Expiration and Renewal (Repealed)
201.187	Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants
201.210	Categories of Insignificant Activities or Emission Levels

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 201.211 Application for Classification as an Insignificant Activity
201.212 Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section

- 201.241 Contents of Compliance Program
201.242 Contents of Project Completion Schedule
201.243 Standards for Approval
201.244 Revisions
201.245 Effects of Approval
201.246 Records and Reports
201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section

- 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
201.263 Records and Reports
201.264 Continued Operation or Startup Prior to Granting of Operating Permit
201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section

- 201.281 Permit Monitoring Equipment Requirements
201.282 Testing
201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 201.301 Records
- 201.302 Reports

SUBPART L: CONTINUOUS MONITORING

- Section
- 201.401 Continuous Monitoring Requirements
- 201.402 Alternative Monitoring
- 201.403 Exempt Sources
- 201.404 Monitoring System Malfunction
- 201.405 Excess Emission Reporting
- 201.406 Data Reduction
- 201.407 Retention of Information
- 201.408 Compliance Schedules

- 201.APPENDIX A Rule into Section Table
- 201.APPENDIX B Section into Rule Table
- 201.APPENDIX C Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.5, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009.

SUBPART C: PROHIBITIONS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section 201.146 Exemptions from State Permit Requirements

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, [sections](#)~~Sections~~ 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.

- a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;
- b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- c) Each fuel burning emission unit for indirect systems and for heating and reheating furnace systems used exclusively for residential, or commercial establishments using gas and/or fuel oil exclusively with a design heat input capacity of less than 14.6 MW (50 mmbtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 mmbtu/hr that was constructed, reconstructed or modified after June 9, 1989 and that is subject to 40 CFR 60, [subpart](#)~~Subpart~~ D;
- d) Each fuel burning emission unit other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input capacity of less than 2930 kW (10 mmbtu/hr);
- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks and other vehicles powered by nonroad engines;
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
- g) Coating operations located at a source using not in excess of 18,925 l (5,000 gal) of coating (including thinner) per year;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- h) Any emission unit acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit using solid fuel with a design heat input capacity of 14.6 MW (50 mmbtu/hr) or more;
- i) Any stationary internal combustion engine with a rated power output of less than 1118 kW (1500 ~~bhp~~^{horsepower}) or stationary turbine, except that a permit shall be required for the following:
- 1) Any internal combustion engine with a rating at equal to or greater than 500 bhp output that is subject to the control requirements of 35 Ill. Adm. Code 217.388(a) or (b); or
 - 2) Any stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 mmbtu/hr) or more that is constructed, reconstructed or modified after October 3, 1977 and that is subject to requirements of 40 CFR 60, subpart~~Subpart~~ GG;
- j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;
- k) Safety devices designed to protect life and limb, provided that a permit is not otherwise required for the emission unit with which the safety device is associated;
- l) Storage tanks for liquids for retail dispensing except for storage tanks that are subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
- m) Printing operations with aggregate organic solvent usage that never exceeds 2,839 l (750 gal) per year from all printing lines at the source, including organic solvent from inks, dilutents, fountain solutions and cleaning materials;
- n) Storage tanks of:
- 1) Organic liquids with a capacity of less than 37,850 l (10,000 gal), provided the storage tank is not used to store any material listed as a hazardous air pollutant pursuant to section~~Section~~ 112(b) of the Clean Air Act, and provided the storage tank is not subject to the requirements of 35

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);

- 2) Any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials; or
 - 3) Any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil or residual fuel oils;
- o) Threaded pipe connections, vessel manways, flanges, valves, pump seals, pressure relief valves, pressure relief devices and pumps;
 - p) Sampling connections used exclusively to withdraw materials for testing and analyses;
 - q) All storage tanks of Illinois crude oil with capacity of less than 151,400 l (40,000 gal) located on oil field sites;
 - r) All organic material-water single or multiple compartment effluent water separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa absolute (5 psia);
 - s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain through-put not exceeding 300,000 bushels;
 - t) Grain-drying operations with a total grain-drying capacity not exceeding 750 bushels per hour for 5% moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;
 - u) Portable grain-handling equipment and one-turn storage space;
 - v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceeds 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
 - w) Coin-operated dry cleaning operations;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- x) Dry cleaning operations at a source that consume less than 30 gallons per month of perchloroethylene;
- y) Brazing, soldering, wave soldering or welding equipment, including associated ventilation hoods;
- z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for preparing food or beverages, but not including facilities used in the manufacturing and wholesale distribution of food, beverages, food or beverage products, or food or beverage components;
- aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, wood or wood products, where such equipment is either:
 - 1) Used for maintenance activity;
 - 2) Manually operated;
 - 3) Exhausted inside a building; or
 - 4) Vented externally with emissions controlled by an appropriately operated cyclonic inertial separator (cyclone), filter, electro-static precipitator or a scrubber;
- bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;
- cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood, excluding:
 - 1) Extruders used in the manufacture of polymers;
 - 2) Extruders using foaming agents or release agents that contain volatile organic materials or Class I or II substances subject to the requirements of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Title VI of the Clean Air Act; and

- 3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act;
- dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;
- ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;
- ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;
- ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a through-put of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;
- jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;
- kk) An emission unit for which a registration system designed to identify sources and emission units subject to emission control requirements is in place, such as the registration system found at 35 Ill. Adm. Code 218.586 (Gasoline Dispensing Operations – Motor Vehicle Fueling Operations) and 35 Ill. Adm. Code 218,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Subpart HH (Motor Vehicle Refinishing);

- ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
- mm) Equipment used for hydraulic or hydrostatic testing;
- nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including:
 - 1) Gasoline fuel handling; and
 - 2) Motor vehicle refinishing₂;
- oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing, provided no organic solvent has been added to the water;
- pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;
- qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:
 - 1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;
 - 2) Located at a commercial laundry; or
 - 3) Coin operated₂;
- rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
- uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;
- vv) Water treatment or storage systems, as follows:
 - 1) Systems for potable water or boiler feedwater;
 - 2) Systems, including cooling towers, for process water, provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to ~~section~~Section 112(b) of the Clean Air Act;
- ww) Lawn care, landscape maintenance and grounds keeping activities;
- xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;
- yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 USC 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;
- zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
- aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;
- bbb) Storage and handling of drums or other transportable containers, where the containers are sealed during storage and handling;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- ccc) Activities at a source associated with the maintenance, repair or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;
- ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;
- eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use;
- fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line, excluding:
- 1) Dryers with a rated heat input capacity of 2930 kW (10 mmbtu/hr) or more; and
 - 2) Dryers for which emissions other than those attributable to combustion of fuel in the dryer, including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line;
- ggg) Municipal solid waste landfills with a maximum total design capacity of less than 2.5 million Mg or 2.5 million m³ that are not required to install a gas collection and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or Section 9.1 of the Act; [and](#)
- hhh) Replacement or addition of air pollution control equipment for existing emission units in circumstances where:
- 1) The existing emission unit is permitted and has operated in compliance for the past year;
 - 2) The new control equipment will provide equal or better control of the target pollutants;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 3) The new control device will not be accompanied by a net increase in emissions of any non-targeted criteria air pollutant;
 - 4) Different State or federal regulatory requirements or newly proposed regulatory requirements will not apply to the unit; and
BOARD NOTE: All sources must comply with underlying federal regulations and future State regulations.
 - 5) Where the existing air pollution control equipment had required monitoring equipment, the new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of that type.
BOARD NOTE: For major sources subject to Section 39.5 of the Act, where the new air pollution control equipment will require a different compliance determination method in the facility's CAAPP permit, the facility may need a permit modification to address the changed compliance determination method.
- iii) Replacement, addition, or modification of emission units at facilities with federally enforceable State operating permits limiting their potential to emit in circumstances where:
- 1) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit, is less than 0.1 pound per hour or 0.44 tons per year;
 - 2) The raw materials and fuels used or present in the emission unit that cause or contribute to emissions, based on the information contained in Material Safety Data Sheets for those materials, do not contain equal to or greater than 0.01 percent by weight of any hazardous air pollutant as defined under ~~section~~Section 112(b) of the federal Clean Air Act;
 - 3) The emission unit or modification is not subject to an emission standard or other regulatory requirement pursuant to ~~section~~Section 111 of the federal Clean Air Act;
 - 4) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with emissions from existing units

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

or other proposed units, trigger permitting requirements under Section 39.5, permitting requirements under ~~section~~Section 165 or 173 of the federal Clean Air Act, or the requirement to obtain a revised federally enforceable State operating permit limiting the source's potential to emit; and

- 5) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;

jjj) Replacement, addition, or modification of emission units at permitted sources that are not major sources subject to Section 39.5 of the Act and that do not have a federally enforceable Statestate operating permit limiting their potential to emit, in circumstances where:

- 1) The potential to emit of any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit is either:
- A) Less than 0.1 pound per hour or 0.44 tons per year; or
 - B) Less than 0.5 pound per hour, and the permittee provides prior notification to the Agency of the intent to construct or install the unit. The unit may be constructed, installed or modified immediately after the notification is filed;
- 2) The emission unit or modification is not subject to an emission standard or other regulatory requirement under ~~section~~Section 111 or 112 of the federal Clean Air Act;
- 3) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with the emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5 of the Act or the requirement to obtain a federally enforceable permit limiting the source's potential to emit; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 4) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;:-
- kkk) The owner or operator of a CAAPP source is not required to obtain an air pollution control construction permit for the construction or modification of an emission unit or activity that is an insignificant activity as addressed by Section 201.210 or 201.211 of this Part. Section 201.212 of this Part must still be followed, as applicable. Other than excusing the owner or operator of a CAAPP source from the requirement to obtain an air pollution control construction permit for the emission units or activities, nothing in this subsection shall alter or affect the liability of the CAAPP source for compliance with emission standards and other requirements that apply to the emission units or activities, either individually or in conjunction with other emission units or activities constructed, modified or located at the source;:-
- lll) Plastic injection molding equipment with an annual through-put not exceeding 5,000 tons of plastic resin in the aggregate from all plastic injection molding equipment at the source, and all associated plastic resin loading, unloading, conveying, mixing, storage, grinding, and drying equipment and associated mold release and mold cleaning agents.

(Source: Amended at 33 Ill. Reg. 11965, effective August 6, 2009)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.1920 Adopted Action:
Amend
- 4) Statutory Authority: 415 ILCS 5/27 and 28
- 5) Effective Date of Rulemaking: August 6, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) The adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 31, 2008; 32 Ill. Reg. 17055
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
211.665	New Section	33 Ill. Reg. 6896; May 22, 2009
211.995	New Section	33 Ill. Reg. 6896; May 22, 2009
211.1315	New Section	33 Ill. Reg. 6896; May 22, 2009
211.1435	New Section	33 Ill. Reg. 6896; May 22, 2009
211.2355	New Section	33 Ill. Reg. 6896; May 22, 2009
211.2357	New Section	33 Ill. Reg. 6896; May 22, 2009

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.2625	New Section	33 Ill. Reg. 6896; May 22, 2009
211.3100	New Section	33 Ill. Reg. 6896; May 22, 2009
211.3355	New Section	33 Ill. Reg. 6896; May 22, 2009
211.3475	New Section	33 Ill. Reg. 6896; May 22, 2009
211.4280	New Section	33 Ill. Reg. 6896; May 22, 2009
211.5195	New Section	33 Ill. Reg. 6896; May 22, 2009

- 15) Summary and Purpose of Amendment: The amendment controls NO_x emissions from engines and turbines located at 100 ton per year sources located in the Chicago and Metro East/St. Louis nonattainment areas with a capacity of 500 brake horsepower (bhp) or 3.5 megawatts (MW). In first proposing the amendment, the Illinois Environmental Protection Agency stated that the regulations would help Illinois to meet Clean Air Act (CAA) requirements for NO_x reasonably available control technology (RACT) under the eight-hour National Ambient Air Quality Standard (NAAQS) for ozone and would also improve air quality by reducing precursors of fine particulate matter (PM_{2.5}).

In Part 211, the proposal substantively amends only a single definition, that of "Emergency or Standby Unit", in order to conform with amendments to Part 217 proposed in the same Board rulemaking docket.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Tim Fox
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-19 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

- Section
211.101 Incorporations by Reference
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

- Section
211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.210 Actual Heat Input
211.230 Adhesive
211.240 Adhesion Promoter
211.250 Aeration
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment
211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.479	Allowance
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.955	Cement

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.960	Cement Kiln
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2620	Generator
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3780	Mid-Kiln Firing
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3980	Nameplate Capacity
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5880	Screen Printing on Paper
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009.

SUBPART B: DEFINITIONS

Section 211.1920 Emergency or Standby Unit

"Emergency or Standby Unit" means, for a stationary gas turbine or a stationary reciprocating internal combustion engine, a unit that:

- a) Supplies power for the source at which it is located but operates only when the normal supply of power has been rendered unavailable by circumstances beyond the control of the owner or operator of the source and only as necessary to assure the availability of the engine or turbine. An emergency or standby unit may not be operated to supplement a primary power source when the load capacity or rating of the primary power source has been reached or exceeded.
- b) Operates exclusively for firefighting or flood control or both.
- c) Operates in response to and during the existence of any officially declared disaster or state of emergency.
- d) Operates for the purpose of testing, repair or routine maintenance to verify its readiness for emergency or standby use.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- e) [Notwithstanding any other subsection in this Section, emergency or standby units may operate an additional 50 hours per year in non-emergency situations.](#)

The term does not include equipment used for purposes other than emergencies, as described above, such as to supply power during high electric demand days.

(Source: Amended at 33 Ill. Reg. 11982, effective August 6, 2009)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
217.386	Amend
217.388	Amend
217.390	Amend
217.392	Amend
217.394	Amend
217.396	Amend
- 4) Statutory Authority: 415 ILCS 5/27 and 28
- 5) Effective Date of Amendments: August 6, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 17075; October 31, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In proceeding from the proposal to final adoption, the Board made a number of substantive changes proposed by the Agency in its first notice comments and based upon consultations and agreements with regulated entities. The Board adopts a number of nonsubstantive changes proposed by the Joint Committee on Administrative Rules.

The Board's opinion provides a detailed section-by-section discussion of the second notice proposal. See In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146 and Parts 211 and 217,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R07-19, slip op. at 13-32 (May 21, 2009). Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R07-19 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

On a section-by-section basis, the following are substantive amendments adopted by the Board during the course of this rulemaking. In addition, the Board adopted a number of non-substantive changes, including matters of organization.

- 1) In Section 217.386(b), the Board clarified an exemption from emission control requirements.
- 2) In Section 217.386(d), the Board clarified language providing that a unit at any time subject to the compliance requirements of Section 217.388 is always subject to demonstrating compliance if it meets the applicability criteria of Section 217.386(a).
- 3) In Section 217.388(a)(3), the Board clarified the "low usage" compliance option.
- 4) In Section 217.388(a)(3)(B), the Board clarified language regarding the types of units that must obtain federally enforceable permits with limits for low usage units.
- 5) The Board added a new Section 217.388(b) clarifying a change from one method of compliance to another.
- 6) In subsections (a)(1)(A)(i) and (ii) and (a)(1)(C) of Section 217.390, the Board clarified eligibility for emission averaging plans. The Board also amended Section 217.390(a)(2)(B) to be consistent with this amendment.
- 7) The Board added a new Section 217.390(a)(1)(D) to include low usage units in emissions averaging plans if they comply with specified requirements.
- 8) In Section 217.390(a)(2)(A), the Board clarified language regarding replacement units that may be included in an emissions averaging plan.
- 9) In Subsection (d) and (d)(3) of Section 217.390, the Board clarified language regarding amended or updated emissions averaging plans.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 10) In Section 217.390(g)(2), the Board clarified the key to an equation to calculate allowable emissions.
- 11) The Board added a new Section 217.390(g)(7) regarding the allowable emission rate for low usage units included in an emissions averaging equation.
- 12) In Section 217.392(a), the Board clarified language regarding compliance by units listed in Appendix G.
- 13) In Section 217.392(c), the Board clarified language regarding NO_x trading programs.
- 14) The Board added a new Section 217.392(c)(1)(C) clarifying the use of NO_x allowances in the event of anomalous or unforeseen operating scenarios.
- 15) The Board reorganized Section 217.392(c)(2) and added two new subsections clarifying the use of NO_x allowances.
- 16) In Section 217.394(e), the Board clarified language regarding the use of continuous emissions monitoring systems.
- 17) In Section 217.394(f), the Board clarified requirements for low usage units in emissions averaging plans.
- 18) In Section 217.396(a), the Board clarified recordkeeping and reporting requirements for units in emissions averaging plans.
- 19) The Board added a new Section 217.396(e) clarifying the recordkeeping and reporting requirements for units with continuous emissions monitoring systems.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
217.751	New	33 Ill. Reg. 8880; June 26, 2009

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.100	Amended	33 Ill. Reg. 6921; May 22, 2009
217.104	Amended	33 Ill. Reg. 6921; May 22, 2009
217.121	Repealed	33 Ill. Reg. 6921; May 22, 2009
217.141	Amended	33 Ill. Reg. 6921; May 22, 2009
217.150	New Section	33 Ill. Reg. 6921; May 22, 2009
217.152	New Section	33 Ill. Reg. 6921; May 22, 2009
217.154	New Section	33 Ill. Reg. 6921; May 22, 2009
217.155	New Section	33 Ill. Reg. 6921; May 22, 2009
217.156	New Section	33 Ill. Reg. 6921; May 22, 2009
217.157	New Section	33 Ill. Reg. 6921; May 22, 2009
217.158	New Section	33 Ill. Reg. 6921; May 22, 2009
217.160	New Section	33 Ill. Reg. 6921; May 22, 2009
217.162	New Section	33 Ill. Reg. 6921; May 22, 2009
217.164	New Section	33 Ill. Reg. 6921; May 22, 2009
217.165	New Section	33 Ill. Reg. 6921; May 22, 2009
217.166	New Section	33 Ill. Reg. 6921; May 22, 2009
217.180	New Section	33 Ill. Reg. 6921; May 22, 2009
217.182	New Section	33 Ill. Reg. 6921; May 22, 2009
217.184	New Section	33 Ill. Reg. 6921; May 22, 2009
217.185	New Section	33 Ill. Reg. 6921; May 22, 2009
217.186	New Section	33 Ill. Reg. 6921; May 22, 2009
217.200	New Section	33 Ill. Reg. 6921; May 22, 2009
217.202	New Section	33 Ill. Reg. 6921; May 22, 2009
217.204	New Section	33 Ill. Reg. 6921; May 22, 2009
217.220	New Section	33 Ill. Reg. 6921; May 22, 2009
217.222	New Section	33 Ill. Reg. 6921; May 22, 2009
217.224	New Section	33 Ill. Reg. 6921; May 22, 2009
217.240	New Section	33 Ill. Reg. 6921; May 22, 2009
217.242	New Section	33 Ill. Reg. 6921; May 22, 2009
217.244	New Section	33 Ill. Reg. 6921; May 22, 2009
217.340	New Section	33 Ill. Reg. 6921; May 22, 2009
217.342	New Section	33 Ill. Reg. 6921; May 22, 2009
217.344	New Section	33 Ill. Reg. 6921; May 22, 2009
217.345	New Section	33 Ill. Reg. 6921; May 22, 2009
217.APPENDIX H	New Section	33 Ill. Reg. 6921; May 22, 2009

- 15) Summary and Purpose of Amendments: The amendments control NO_x emissions from engines and turbines located at 100 ton per year sources located in the Chicago and Metro East/St. Louis nonattainment areas with a capacity of 500 brake horsepower (bhp) or 3.5

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

megawatts (MW). In first proposing the amendments, the Agency stated that the regulations would help Illinois to meet Clean Air Act (CAA) requirements for NO_x reasonably available control technology (RACT) under the eight-hour National Ambient Air Quality Standard (NAAQS) for ozone and would also improve air quality by reducing precursors of fine particulate matter (PM_{2.5}).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Tim Fox
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-19 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 217
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

- Section
- 217.100 Scope and Organization
- 217.101 Measurement Methods
- 217.102 Abbreviations and Units
- 217.103 Definitions
- 217.104 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

- Section
- 217.121 New Emission Sources

SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

- Section
- 217.141 Existing Emission Sources in Major Metropolitan Areas

SUBPART K: PROCESS EMISSION SOURCES

- Section
- 217.301 Industrial Processes

SUBPART O: CHEMICAL MANUFACTURE

- Section
- 217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

INTERNAL COMBUSTION ENGINES AND TURBINES

Section

217.386	Applicability
217.388	Control and Maintenance Requirements
217.390	Emissions Averaging Plans
217.392	Compliance
217.394	Testing and Monitoring
217.396	Recordkeeping and Reporting

SUBPART T: CEMENT KILNS

Section

217.400	Applicability
217.402	Control Requirements
217.404	Testing
217.406	Monitoring
217.408	Reporting
217.410	Recordkeeping

SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO_x GENERATING UNITS

Section

217.450	Purpose
217.452	Severability
217.454	Applicability
217.456	Compliance Requirements
217.458	Permitting Requirements
217.460	Subpart U NO _x Trading Budget
217.462	Methodology for Obtaining NO _x Allocations
217.464	Methodology for Determining NO _x Allowances from the New Source Set-Aside
217.466	NO _x Allocations Procedure for Subpart U Budget Units
217.468	New Source Set-Asides for "New" Budget Units
217.470	Early Reduction Credits (ERCs) for Budget Units
217.472	Low-Emitter Requirements
217.474	Opt-In Units
217.476	Opt-In Process
217.478	Opt-In Budget Units: Withdrawal from NO _x Trading Program
217.480	Opt-In Units: Change in Regulatory Status

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.482 Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

Section

217.521 Lake of Egypt Power Plant
217.700 Purpose
217.702 Severability
217.704 Applicability
217.706 Emission Limitations
217.708 NO_x Averaging
217.710 Monitoring
217.712 Reporting and Recordkeeping

SUBPART W: NO_x TRADING PROGRAM FOR
ELECTRICAL GENERATING UNITS

Section

217.750 Purpose
217.752 Severability
217.754 Applicability
217.756 Compliance Requirements
217.758 Permitting Requirements
217.760 NO_x Trading Budget
217.762 Methodology for Calculating NO_x Allocations for Budget Electrical Generating
Units (EGUs)
217.764 NO_x Allocations for Budget EGUs
217.768 New Source Set-Asides for "New" Budget EGUs
217.770 Early Reduction Credits for Budget EGUs
217.774 Opt-In Units
217.776 Opt-In Process
217.778 Budget Opt-In Units: Withdrawal from NO_x Trading Program
217.780 Opt-In Units: Change in Regulatory Status
217.782 Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section

217.800 Purpose

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NO _x Emission Reductions and the Subpart X NO _x Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO _x Emission Reductions
217.830	Limitations on NO _x Emission Reductions
217.835	NO _x Emission Reduction Proposal
217.840	Agency Action
217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
217.860	Recordkeeping
217.865	Enforcement
217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
217.APPENDIX E	Large Non-Electrical Generating Units
217.APPENDIX F	Allowances for Electrical Generating Units
217.APPENDIX G	Existing Reciprocating Internal Combustion Engines Affected by the NO _x SIP Call

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009.

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section 217.386 Applicability

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) The provisions of this Subpart shall apply to all:
- 1) StationaryA stationary reciprocating internal combustion enginesengine listed in Appendix G of this Part is subject to the requirements of this Subpart Q.
 - 2) Stationary reciprocating internal combustion engines and turbines located at a source that emits or has the potential to emit NO_x in an amount equal to or greater than 100 tons per year and is in either the area composed of the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, or in the area composed of the Metro-East counties of Jersey, Madison, Monroe, and St. Clair, and the Township of Baldwin in Randolph County, where:
 - A) The engine at nameplate capacity is rated at equal to or greater than 500 bhp output; or
 - B) The turbine is rated at equal to or greater than 3.5 MW (4,694 bhp) output at 14.7 psia, 59°F and 60 percent relative humidity.
- b) Notwithstanding subsection (a)(2) of this Section, an affected unit is not subject to the requirements of this Subpart Q if the engine or turbine is or has been:
- 1) Used as an emergency or standby unit as defined by 35 Ill. Adm. Code 211.1920;
 - 2) Used for research or for the purposes of performance verification or testing;
 - 3) Used to control emissions from landfills, where at least 50 percent of the heat input is gas collected from a landfill;
 - 4) Used for agricultural purposes, including the raising of crops or livestock that are produced on site, but not for associated businesses like packing operations, sale of equipment or repair; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) An engine with nameplate capacity rated at less than 1,500 bhp (1,118 kW) output, mounted on a chassis or skids, designed to be moveable, and moved to a different source at least once every 12 months.
- c) If an exempt unit ceases to fulfill the criteria specified in subsection (b) of this Section, the owner or operator must notify the Agency in writing within 30 days after becoming aware that the exemption no longer applies and comply with the control requirements of this Subpart Q.
- d) The requirements of this Subpart Q will continue to apply to any engine or turbine that has ever been subject to the requirements of Section 217.388, even if the affected unit or source ceases to fulfill the rating requirements of subsection (a) of this Section or becomes eligible for an exemption pursuant to subsection (b) of this Section.
- e) Where a construction permit, for which the application was submitted to the Agency prior to the adoption of this Subpart, is issued that relies on decreases in emissions of NO_x from existing emission units for purposes of netting or emissions offsets, such NO_x decreases shall remain creditable notwithstanding any requirements that may apply to the existing emissions units pursuant to this Subpart.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

Section 217.388 Control and Maintenance Requirements

- a) On and after the applicable compliance date in Section 217.392, an owner or operator of an affected unit must inspect and maintain affected units as required by subsection (a)(4e) of this Section and comply with one of the following: either the applicable emissions concentration as set forth in subsection (a)(1) of this Section, ~~or~~ the requirements for an emissions averaging plan as specified in subsection (a)(2)(b) of this Section, or the requirements for operation as a low usage unit as specified in subsection (a)(3) of this Section.
- 1a) Limits~~The owner or operator must limit~~ the discharge from an affected unit into the atmosphere of any gases that contain NO_x to no more than:
- A+ 150 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited rich-burn engines;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B2) 210 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited lean-burn engines, except for existing spark-ignited Worthington engines that are not listed in Appendix G;
 - C) 365 ppmv (corrected to 15 percent O₂ on a dry basis) for existing spark-ignited Worthington engines that are not listed in Appendix G;
 - D) 660 ppmv (corrected to 15 percent O₂ on a dry basis) for diesel engines;
 - E) 42 ppmv (corrected to 15 percent O₂ on a dry basis) for gaseous fuel-fired turbines; and
 - F) 96 ppmv (corrected to 15 percent O₂ on a dry basis) for liquid fuel-fired turbines.
- 2b) Complies~~The owner or operator must comply~~ with an emissions averaging plan as provided for in either subsection (a)(2)(A) or (a)(2)(B) of this Section:
- A) For any affected unit identified by Section 217.386: ~~The~~ requirements of the applicable emissions averaging plan as set forth in Section 217.390; or;
 - B) For units identified in Section 217.386(a)(1)(B): The requirements of an emissions averaging plan adopted pursuant to any other Subpart of this Part. For such affected engines and turbines the applicable requirements of this Subpart apply, including, but not limited to, calculation of NO_x allowable and actual emissions rates, compliance dates, monitoring, testing, reporting, and recordkeeping.
- 3e) Operates, for units not listed in Appendix G, the affected unit as a low usage unit pursuant to subsection (a)(3)(A) or (a)(3)(B) of this Section. Low usage units that are not part of an emissions averaging plan are not subject to the requirements of this Subpart Q except for the requirements to inspect and maintain the unit pursuant to subsection (a)(4) of this

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section, test as required by Section 217.394(f), and retain records pursuant to Section 217.396(b) and (d). Either the limitation in subsection (a)(3)(A) or (a)(3)(B) may be utilized at a source, but not both:

- A) The potential to emit (PTE) is no more than 100 TPY NO_x aggregated from all engines and turbines located at the source that are not otherwise exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) of this Section, and the NO_x PTE limit is contained in a federally enforceable permit; or
- B) The aggregate bhp-hrs/MW-hrs from all affected units located at the source that are not exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) of this Section, are less than or equal to the bhp-hrs and MW-hrs operation limit listed in subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of this Section. The operation limits of subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of this Section must be contained in a federally enforceable permit, except for units that drive a natural gas compressor located at a natural gas compressor station or storage facility. The operation limits are:
 - i) 8 mm bhp-hrs or less on an annual basis for engines; and
 - ii) 20,000 MW-hrs or less on an annual basis for turbines.

4) Inspects~~The owner or operator must inspect~~ and ~~performs~~perform periodic maintenance on the affected unit, in accordance with a Maintenance Plan that documents:

- A+) For a unit not located at natural gas transmission compressor station or storage facility, either:
 - iA) The manufacturer's recommended inspection and maintenance of the applicable air pollution control equipment, monitoring device, and affected unit; or
 - iiB) If the original equipment manual is not available or substantial modifications have been made that require an

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

alternative procedure for the applicable air pollution control device, monitoring device, or affected unit, the owner or operator must establish a plan for inspection and maintenance in accordance with what is customary for the type of air pollution control equipment, monitoring device, and affected unit.

B2) For a unit located at a natural gas compressor station or storage facility, the operator's maintenance procedures for the applicable air pollution control device, monitoring device, and affected unit.

b) Owners and operators of affected units may change the method of compliance with this Subpart, as follows:

1) When changing the method of compliance from subsection (a)(3) of this Section to subsection (a)(1) or (a)(2) of this Section, the owner or operator must conduct testing and monitoring according to the requirements of Section 217.394(a) through (e), as applicable. For this purpose, references to the "applicable compliance date" in Section 217.394(a)(2) and (a)(3) shall mean the date by which compliance with subsection (a)(1) or (a)(2) of this Section is to begin.

2) An owner or operator of an affected unit that is changing the method of compliance from subsection (a)(1) or (a)(2) of this Section to subsection (a)(3) of this Section must:

A) Continue to operate the affected unit's control device, if that unit relied upon a NO_x emissions control device for compliance with the requirements of subsection (a)(1) or (a)(2) of this Section; and

B) Prior to changing the method of compliance to subsection (c) of this Section, complete any outstanding initial performance testing, subsequent performances testing or monitoring as required by Section 217.394(a), (b), (c), (d) or (e) for the affected unit. If the deadline for such testing or monitoring has not yet occurred (e.g., the five-year testing or monitoring sequence has not yet elapsed), the owner or operator must complete the test or monitoring prior to changing the method of compliance to subsection (a)(3) of this Section. After changing the method of compliance to subsection

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(a)(3) of this Section, no additional testing or monitoring will be required for the affected unit while it is complying with subsection (a)(3) of this Section, except as provided for in Section 217.394(f).

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

Section 217.390 Emissions Averaging Plans

- a) An owner or operator of certain affected units may comply through an emissions averaging plan.
- 1) The unit or units that commenced operation before January 1, 2002, may be included in only one emissions averaging plan, as follows:
- A) Units:units
- i) Located~~located~~ at a single source or at multiple sources in Illinois to address compliance for units identified in Section 217.386(a)(1), so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations; or, A unit may be listed in only one emissions averaging plan.
- ii) Located at a single source or at multiple sources in either the Chicago area counties or Metro-East area counties to address compliance for units identified in Section 217.386(a)(2), so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations;
- B) Units that have a compliance date later than the control period for which the averaging plan is being used for compliance;
- C) Units that are not otherwise subject to this Subpart (so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations) or that the owner or operator may

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

claim as exempt pursuant to Section 217.386(b) but does not claim as exempt. For as long as such unit is included in an emissions averaging plan, it will be treated as an affected unit and subject to the applicable emission concentration, limits, testing, monitoring, recordkeeping and reporting requirements; and

- D) Units that comply with the requirements for low usage units set forth in Section 217.388(a)(3), so long as the unit or units operate NO_x emissions control technology. For as long as such unit is included in an emissions averaging plan, it will be subject to the applicable emission concentration limits in subsection (g)(7) of this Section, the applicable testing and monitoring requirements for affected units in Section 217.394(a) through (e), and the applicable recordkeeping and reporting requirements for affected and low usage units in Section 217.396(a) through (d).

- 2) The following types of units may not be included in an emissions averaging plan:

- A) Units that commence operation after January 1, 2002, unless the unit or units replace a unit or units described in subsection (a)(1) of this Section replaces an engine or turbine that commenced operation on or before January 1, 2002, or the unit or units replace a unit or units described in subsection (a)(1) of this Section# replaces an engine or turbine that replaced a unit or units described in subsection (a)(1) of this Section that commenced operation on or before January 1, 2002. The new unit must be used for the same purpose and have substantially equivalent or less process capacity or be permitted for less NO_x emissions on annual basis than the actual NO_x emissions of as the replacement unit or units that are replaced. The owner or operator of a unit that is shut down# shutdown and replaced must comply with the provisions of Section 217.396(c#)(3) before the replacement unit may be included in an emissions averaging plan.
- B) Units that the owner or operator is claiming are exempt pursuant to Section 217.386(b).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) An owner or operator must submit an emissions averaging plan to the Agency by the applicable compliance date set forth in Section 217.392, or by May 1 of the year in which the owner or operator is using a new emissions averaging plan to comply.
- 1) The plan must include, but is not limited to:
- A1) The list of affected units included in the plan by unit identification number and permit number.
- B2) A sample calculation demonstrating compliance using the methodology provided in subsection (f) of this Section for both the ozone season and calendar year.
- 2) The plan will be effective as follows:
- A) An initial plan for units required to comply by January 1, 2008 is effective January 1, 2008;
- B) An initial plan for units required to comply by May 1, 2010 is effective May 1, 2010 for those units;
- C) A new plan submitted pursuant to subsection (b) of this Section but not submitted by January 1, 2008 or May 1, 2010 is effective retroactively to January 1 of the applicable year;
- D) An amended plan submitted pursuant to subsection (c) of this Section is effective retroactively to January 1 of the applicable year; or
- E) An amended plan submitted pursuant to subsection (d) of this Section is effective on the date it is received by the Agency.
- c) An owner or operator may amend an emissions averaging plan only once per calendar year. An amended plan must include the information from subsection (b)(1) and may change, but is not limited to changing, the group of affected units or reflecting changes in the operation of the affected units. An amended plan must be submitted to the Agency by May 1 of the applicable calendar year and is effective as set forth in subsection (b)(2) of this Section. If an amended plan is

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

not received by the Agency by May 1 of the applicable calendar year, the previous year's plan will be the applicable emissions averaging plan.

- d) Notwithstanding subsection (c) of this Section, an owner or operator, and the buyer or seller, if applicable; ~~must~~
- 1) Must submit an updated emissions averaging plan or plans to the Agency within 60 days; if a unit that is listed in an emissions averaging plan is sold or taken out of service.
 - 2) May amend its emissions averaging plan to include another unit within 30 days after discovering that the unit no longer qualifies as an exempt unit pursuant to Section 217.386(b) or as a low usage unit pursuant to Section 217.388(a)(3).
 - 3) May submit an updated emissions averaging plan or plans to the Agency within 60 days after purchasing a new unit to include the new unit.
- e) An owner or operator must:
- 1) Demonstrate compliance for both the ozone season (May 1 through September 30) and the calendar year (January 1 through December 31) by using the methodology and the units listed in the most recent emissions averaging plan submitted to the Agency pursuant to subsection (b), (c), or (d) of this Section; the higher of the monitoring or test data determined pursuant to Section 217.394; and the actual hours of operation for the applicable control period;
 - 2) Notify the Agency by October 31 following the ozone season, if compliance cannot be demonstrated for that ozone season; and
 - 3) Submit to the Agency by January 31 following each calendar year, a compliance report containing the information required by Section 217.396(c)(4).
- f) The total mass of actual NO_x emissions from the units listed in the emissions averaging plan must be equal to or less than the total mass of allowable NO_x emissions for those units for both the ozone season and calendar year. The following equation must be used to determine compliance:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$N_{act} \leq N_{all}$$

Where:

$$N_{act} = \sum_{i=1}^n EM_{act(i)}$$

$$N_{all} = \sum_{i=1}^n EM_{all(i)}$$

N_{act} = Total sum of the actual NO_x mass emissions from units included in the averaging plan for each fuel used (lbs per ozone season and calendar year).

N_{all} = Total sum of the allowable NO_x mass emissions from units included in the averaging plan for each fuel used (lbs per ozone season and calendar year).

$EM_{all(i)}$ = Total mass of allowable NO_x emissions in lbs for a unit as determined in subsection (g)(2) or (h)(2) of this Section.

$EM_{act(i)}$ = Total mass of actual NO_x emissions in lbs for a unit as determined in subsection (g)(1) or (h)(1) of this Section.

i = Subscript denoting an individual unit and fuel used.

n = Number of different units in the averaging plan.

- g) For each unit in the averaging plan, and each fuel used by a unit, determine actual and allowable NO_x emissions using the following equations, except as provided for in subsection (h) of this Section:

- 1) Actual emissions must be determined as follows:

$$EM_{act(i)} = E_{act(i)} \times H_i$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$E_{act(i)} = \frac{\sum_{j=1}^m C_{d(act(j))} \times F_d \times \left(\frac{20.9}{20.9 - \%O_{2d(j)}} \right)}{m}$$

- 2) Allowable emissions must be determined as follows:

$$EM_{all(i)} = E_{all(i)} \times H_i$$

$$E_{all(i)} = \frac{\sum_{j=1}^m C_{d(all(j))} \times F_d \times \left(\frac{20.9}{20.9 - \%O_{2d(j)}} \right)}{m}$$

Where:

$EM_{act(i)}$ = Total mass of actual NO_x emissions in lbs for a unit, except as provided for in subsections (g)(3) and (g)(5) of this Section.

$EM_{all(i)}$ = Total mass of allowable NO_x emissions in lbs for a unit, except as provided for in subsection (g)(3) of this Section.

E_{act} = Actual NO_x emission rate (lbs/mmBtu) calculated according to the above equation.

E_{all} = Allowable NO_x emission rate (lbs/mmBtu) calculated according to the above equation, [as applicable](#).

H = Heat input (mmBtu/ozone season or mmBtu/year) calculated from fuel flow meter and the heating value of the fuel used.

$C_{d(act)}$ = Actual concentration of NO_x in lb/dscf ($ppmv \times 1.194 \times 10^{-7}$) on a dry basis for the fuel used. Actual concentration is determined on each of the most recent test ~~runs~~ or monitoring ~~passes~~ performed pursuant to Section 217.394, whichever is higher.

$C_{d(all)}$ = Allowable concentration of NO_x in lb/dscf (allowable emission limit in ppmv specified in Section 217.388(a)(1), except as provided for in subsection (g)(4), (g)(5), ~~or~~ (g)(6), [or \(g\)\(7\)](#) of this Section, if applicable, multiplied by 1.194×10^{-7}) on a dry basis for the fuel used.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- F_d = The ratio of the gas volume of the products of combustion to the heat content of the fuel (dscf/mmBtu) as given in the table of F Factors included in 40 CFR 60, [appendixAppendix A, Method 19](#) or as determined using 40 CFR 60, [appendixAppendix A, Method 19](#).
- $\%O_{2d}$ = Concentration of oxygen in effluent gas stream measured on a dry basis during each of the applicable [teststest](#) or monitoring runs used for determining emissions, as represented by a whole number percent, e.g., for 18.7% O_{2d} , 18.7 would be used.
- i = Subscript denoting an individual unit and the fuel used.
- j = Subscript denoting each test run or monitoring pass for an affected unit for a given fuel.
- m = The number of test runs or monitoring passes for an affected unit using a given fuel.

- 3) For a replacement unit that is electric-powered, the allowable NO_x emissions from the affected unit that was replaced should be used in the averaging calculations and the actual NO_x emissions for the electric-powered replacement unit ($EM_{act\ elec(i)}$) are zero. Allowable NO_x emissions for the electric-powered replacement are calculated using the actual total bhp-hrs generated by the electric-powered replacement unit on an ozone season and on an annual basis multiplied by the allowable NO_x emission rate in lb/bhp-hr of the replaced unit. The allowable mass of NO_x emissions from an electric-powered replacement unit ($EM_{all\ elec(i)}$) must be determined by multiplying the nameplate capacity of the unit by the hours operated during the ozone season or annually and the allowable NO_x emission rate of the replaced unit ($E_{all\ rep}$) in lb/mmBtu converted to lb/bhp-hr. For this calculation the following equation should be used:

$$EM_{all\ elec(i)} = bhp \times OP \times F \times E_{all\ rep(i)}$$

Where:

$EM_{all\ elec(i)}$ = Mass of allowable NO_x emissions from the electric-powered replacement unit in pounds per ozone season or calendar year.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- bhp = Nameplate capacity of the electric-powered replacement unit in brake horsepower.
- OP = Operating hours during the ozone season or calendar year.
- F = Conversion factor of 0.0077 mmBtu/bhp-hr.
- $E_{\text{all rep}(i)}$ = Allowable NO_x emission rate (lbs/mmBtu) of the replaced unit.
- i = Subscript denoting an individual electric unit and the fuel used.

- 4) For a replacement unit that is not electric, the allowable NO_x emissions rate used in the above equations set forth in subsection (g)(2) of this Section must be the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air ~~Pollutant Emission~~pollutant emission Factors: AP-42, Volume I: Stationary Point and Area Sources, as incorporated by reference in Section 217.104 for the unit that was replaced.
- 5) For a unit that is replaced with purchased power, the allowable NO_x emissions rate used in the ~~above~~ equations set forth in subsection (g)(2) of this Section must be the emissions concentration ~~as~~ set forth in Section 217.388(a)(1) or subsection (g)(6) of this Section, when applicable, for the type of unit that was replaced. For owners or operators replacing units with purchased power, the annual hours of operations that must be used are the calendar year hours of operation for the unit that was ~~shut~~shutdown, averaged over the three-year period prior to the shutdown. The actual NO_x emissions for the units replaced by purchased power ($EM_{(i)\text{act}}$) are zero. These units may be included in any emissions averaging plan for no more than five years beginning with the calendar year that the replaced unit is shut down.
- 6) For ~~units that have a later compliance date~~non-Appendix G units used in an emissions averaging plan, allowable emissions rate used in the ~~above~~ equations set forth in subsection (g)(2) of this Section must be:
- A) Prior to the applicable compliance date pursuant to Section 217.392, the higher of the actual NO_x emissions as determined by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

testing or monitoring data, or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Areas Sources, as incorporated by reference in Section 217.104; ~~or~~

B) On and after the unit's applicable compliance date pursuant to Section 217.392, the applicable emissions concentration for that type of unit pursuant to Section 217.388(a)(1).

7) For a low usage unit complying with the requirements of Section 217.388(a)(3) and used in an emissions averaging plan, the allowable NO_x emissions rate used in the above equations set forth in subsection (g)(2) of this Section must be the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Area Sources, as incorporated by reference in Section 217.104.

h) For units that use CEMS, the data must show that the total mass of actual NO_x emissions determined pursuant to subsection (h)(1) of this Section is less than or equal to the allowable NO_x emissions calculated in accordance with the equations in subsections (f) and (h)(2) of this Section for both the ozone season and calendar year. The equations in subsection (g) of this Section will not apply.

- 1) The total mass of actual NO_x emissions in lbs for a unit (EM_{act}) must be the sum of the total mass of actual NO_x emissions from each affected unit using CEMS data collected in accordance with 40 CFR 60 or 75, or alternate methodology that has been approved by the Agency or USEPA and included in a federally enforceable permit.
- 2) The allowable NO_x emissions must be determined as follows:

$$EM_{all(i)} = \sum_{j=1}^m (Cd_j \times flow_j \times 1.194 \times 10^{-7})$$

~~$$EM_{all(i)} = \sum_{j=1}^m (Cd_i \times flowstack_i \times 1.194 \times 10^{-7})$$~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Where:

- $EM_{all(i)}$ = Total mass of allowable NO_x emissions in lbs for a unit.
 $Flow_j$ = Stack flow (dscf/hr) for a given stack.
 Cd_{ji} = Allowable concentration of NO_x (ppmv) specified in Section 217.388(a)(1) of this subpart for a given stack. (1.194×10^{-7}) converts to lb/dscf.
j = subscript denoting each hour operation of a given unit.
m = Total number of hours of operation of a unit.
i = Subscript denoting an individual unit and the fuel used.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

Section 217.392 Compliance

- a) On and after January 1, 2008, an owner or operator of an affected engine listed in Appendix G may not operate the affected engine unless the requirements of this Subpart Q are met.
- b) On and after May 1, 2010, an owner or operator of a unit identified by Section 217.386(a)(2), and that is not listed in Appendix G, may not operate the affected unit unless the requirements of this Subpart Q are met or the affected unit is exempt pursuant to Section 217.386(b).
- c) Owners and operators of an affected unit may use NO_x allowances to meet the compliance requirements in Section 217.388 as specified in this subsection (c). A NO_x allowance is defined as an allowance used to meet the requirements of a NO_x trading program in which the State of Illinois participates where one allowance is equal to one ton of NO_x emissions.
- 1) NO_x allowances may be used only under the following circumstances:
- A) An anomalous or unforeseen operating scenario inconsistent with historical operations for a particular ozone season or calendar year that causes an exceedance of an emissions or operating hour limitation;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) To achieve compliance for no more than two events in any rolling five-year period;
 - C) If the anomalous or unforeseen operating scenario occurs during an ozone season, it counts as a single event for purposes of the calendar year even if there is an exceedance of both an ozone season emission limitation and an annual emissions limitation as a result of such operating scenario; and
 - D) For a unit that is not listed in Appendix G.
- 2) The owner or operator of the affected unit must surrender to the Agency a NO_x allowance for each ton or portion of a ton of NO_x by which actual emissions exceed allowed emissions, as follows:
- A) Where a low usage limitation under Section 217.388(a)(3)(B) has been exceeded, the owner or operator of the affected unit must calculate the NO_x emissions resulting from the number of hours that exceeded the operating hour low usage limit and surrender to the Agency one NO_x allowance for each ton or portion of a ton of NO_x that was calculated.
 - B) For noncompliance with a limitation in an emissions averaging plan that includes low usage units, the owner or operator of the affected low usage unit must calculate the NO_x emissions using the applicable allowable emissions concentration from Section 217.388(a)(1).
 - C) For noncompliance with a seasonal limit in Section 217.388(a)(2), only a NO_x ozone season allowance must be used.
 - D) For noncompliance with the emissions concentration limits in Section 217.388(a)(1), low usage limitations in Section 217.388(a)(3) or an annual limitation in an emissions averaging plan in Section 217.388(a)(2), only a NO_x annual allowance may be used.
 - E) Notwithstanding the provisions of subsections (c)(2)(C) and (c)(2)(D) of this Section, if a NO_x annual trading program does not

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

exist, a NO_x ozone season allowance may be used for noncompliance with the emissions concentration limits in Section 217.388(a)(1), low usage limitations in Section 217.388(a)(3) or an annual limitation in an emissions averaging plan in Section 217.388(a)(2).

- 3) The owner or operator must submit a report documenting the circumstances that required the use of NO_x allowances and identify what actions will be taken in subsequent years to address these circumstances and must transfer the NO_x allowances to the Agency's federal NO_x retirement account. The report and the transfer of allowances must be submitted by October 31 for exceedances during the ozone season and March 1 for exceedances of the emissions concentration limits, the annual emissions averaging plan limits, or low usage limitations. The report must contain the NATS serial numbers of the NO_x allowances.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

Section 217.394 Testing and Monitoring

- a) An owner or operator must conduct an initial performance test pursuant to subsection (c)(1) or (c)(2) of this Section as follows:
- 1) By January 1, 2008, for affected engines listed in Appendix G. Performance tests must be conducted on units listed in Appendix G, even if the unit is included in an emissions averaging plan pursuant to Section 217.388(a)(2)(b).
 - 2) By the applicable compliance date set forth in Section 217.392, or within Within the first 876 hours of operation per calendar year, whichever is later:-
 - A) For affected units not listed in Appendix G that operate more than 876 hours per calendar year; and ~~Performance tests must be conducted on~~
 - B) For units that are not affected units that are included in an emissions averaging plan and operate more than 876 hours per calendar year.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) Once within the five-year period after the applicable compliance date as set forth in Section 217.392:
 - A) For affected units that operate fewer than 876 hours per calendar year; and. Performance tests must be conducted on
 - B) For units that are not affected units that are included in an emissions averaging plan and that operate fewer than 876 hours per calendar year.
- b) An owner or operator of an engine or turbine must conduct subsequent performance tests pursuant to subsection (be)(1), ~~or (be)(2), and (b)(3)~~ of this Section as follows:
 - 1) For affected engines listed in Appendix G and all units included in an emissions averaging plan, once every five years. Testing must be performed in the calendar year by May 1 or within 60 days after starting operation, whichever is later;
 - 2) If the monitored data shows that the unit is not in compliance with the applicable emissions concentration or emissions averaging plan, the owner or operator must report the deviation to the Agency in writing within 30 days and conduct a performance test pursuant to subsection (c) of this Section within 90 days of the determination of noncompliance; and
 - 3) When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.388, the owner or operator of a unit must, at his or her own expense, conduct the test in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.
- c) Testing Procedures:
 - 1) For an engine: The owner or operator must conduct a performance test using Method 7 or 7E of 40 CFR 60, appendix A, as incorporated by reference in Section 217.104. Each compliance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

be measured while the affected unit is operating at peak load. If the unit combusts more than one type of fuel (gaseous or liquid), including backup fuels, a separate performance test is required for each fuel.

- 2) For a turbine ~~included in an emissions averaging plan~~: The owner or operator must conduct a performance test using the applicable procedures and methods in 40 CFR 60.4400, as incorporated by reference in Section 217.104.
- d) Monitoring: Except for those years in which a performance test is conducted pursuant to subsection (a) or (b) of this Section, the owner or operator of an affected unit or a unit included in an emissions averaging plan must monitor NO_x concentrations annually, once between January 1 and May 1 or within the first 876 hours of operation per calendar year, whichever is later. If annual operation is less than 876 hours per calendar year, each affected unit must be monitored at least once every five years. Monitoring must be performed as follows:
 - 1) A portable NO_x monitor utilizing method ASTM D6522-00, as incorporated by reference in Section 217.104, or a method approved by the Agency must be used. If the engine or turbine combusts both liquid and gaseous fuels as primary or backup fuels, separate monitoring is required for each fuel.
 - 2) NO_x and O₂ concentrations measurements must be taken three times for a duration of at least 20 minutes. Monitoring must be done at highest achievable load. The concentrations from the three monitoring runs must be averaged to determine whether the affected unit is in compliance with the applicable emissions concentration or emissions averaging plan, as specified in Section 217.388.
- e) Instead of complying with the requirements of subsections (a), (b), (c) and (d) of this Section, an owner or operator may install and operate a CEMS on an affected unit that meets the applicable requirements of 40 CFR 60, subpart A, and appendix B, or 40 CFR 75, incorporated by reference in Section 217.104, and complies with the quality assurance procedures specified in 40 CFR 60, appendix F, or 40 CFR 75, as incorporated by reference in Section 217.104, or an alternate procedure as approved by the Agency or USEPA in a federally enforceable permit. The CEMS must be used to demonstrate compliance with the applicable

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

emissions concentration or emissions averaging plan only on an ozone season and annual basis.

- f) The testing and monitoring requirements of this Section do not apply to affected units in compliance with the requirements of the low usage limitations pursuant to Section 217.388(a)(3) or low usage units using NO_x allowances to comply with the requirements of this Subpart pursuant to Section 217.392(c), unless such units are included in an emissions averaging plan. Notwithstanding the above circumstances, when, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.388, the owner or operator of a unit must, at his or her own expense, conduct the test in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

Section 217.396 Recordkeeping and Reporting

- a) Recordkeeping. The owner or operator of any unit included in an emissions averaging plan (e.g., affected units, nonsubject units, units that could be exempt pursuant to Section 217.386(b), and low usage units) or an affected unit that is not exempt pursuant to Section 217.386(b) and is not subject to the low usage exemption of Section 217.388(a)(3) of an Appendix G unit or a unit included in an emissions averaging plan must maintain records that demonstrate compliance with the requirements of this Subpart Q₂ which include, but are not limited to:
- 1) Identification, type (e.g., lean-burn, gas-fired), and location of each unit.
 - 2) Calendar date of the record.
 - 3) The number of hours the unit operated on a monthly basis, and during each ozone season.
 - 4) Type and quantity of the fuel used on a daily basis.
 - 5) The results of all monitoring performed on the unit and reported deviations.
 - 6) The results of all tests performed on the unit.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 7) The plan for performing inspection and maintenance of the units, air pollution control equipment, and the applicable monitoring device pursuant to Section 217.388(a)(4)(e).
- 8) A log of inspections and maintenance performed on the unit's air emissions, monitoring device, and air pollution control device. These records must include, at a minimum, date, load levels and any manual adjustments, along with the reason for the adjustment (e.g., air to fuel ratio, timing or other settings).
- 9) If complying with the emissions averaging plan provisions of Sections 217.388(a)(2)(b) and 217.390, copies of the calculations used to demonstrate compliance with the ozone season and annual control period limits, noncompliance reports for the ozone season, and ozone and annual control period compliance reports submitted to the Agency.
- 10) Identification of time periods for which operating conditions and pollutant data were not obtained by either the CEMS or alternate monitoring procedures, including the reasons for not obtaining sufficient data and a description of corrective actions taken.
- 11) Any NO_x allowance reconciliation reports submitted pursuant to Section 217.392(c)(3).
- b) The owner or operator of an affected unit or unit included in an emissions averaging plan must maintain the records required by subsection (a) or (d) of this Section, as applicable, for a period of five years at the source at which the unit is located. The records must be made available to the Agency and USEPA upon request.
- c) Reporting Requirements
 - 1) The owner or operator must notify the Agency in writing 30 days and five days prior to testing, pursuant to Section 217.394(a) and (b) and:
 - A) If, after the 30-days notice for an initially scheduled test is sent, there is a delay (e.g., due to operational problems) in conducting the performance test as scheduled, the owner or operator of the unit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

must notify the Agency as soon as possible of the delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test; or by arranging a new test date with the Agency by mutual agreement;

- B) Provide a testing protocol to the Agency 60 days prior to testing; and
 - C) Not later than 30 days after the completion of the test, submit the results of the test to the Agency.
- 2) Pursuant to the requirements for monitoring in Section 217.394(d), the owner or operator of the unit must report to the Agency any monitored exceedances of the applicable NO_x concentration from Section 217.388(a)(1) or (a)(2)(b) within 30 days after performing the monitoring.
- 3) Within 90 days after permanently shutting down an affected unit or a unit included in an emissions averaging plan, the owner or operator of the unit must withdraw or amend the applicable permit to reflect that the unit is no longer in service.
- 4) If demonstrating compliance through an emissions averaging plan:
- A) By October 31 following the applicable ozone season, the owner or operator must notify the Agency if he or she cannot demonstrate compliance for that ozone season; and
 - B) By January 31~~30~~ following the applicable calendar year, the owner or operator must submit to the Agency a report that demonstrates the following:
 - i) For all units that are part of the emissions averaging plan, the total mass of allowable NO_x emissions for the ozone season and for the annual control period;
 - ii) The total mass of actual NO_x emissions for the ozone season and annual control period for each unit included in the averaging plan;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- iii) The calculations that demonstrate that the total mass of actual NO_x emissions are less than the total mass of allowable NO_x emissions using equations in Sections 217.390(f) and (g); and
 - iv) The information required to determine the total mass of actual NO_x emissions and the calculations performed in subsection ~~(c)~~(4)(B)(iii) of this Section.
- 5) If operating a CEMS, the owner or operator must submit an excess emissions and monitoring systems performance report in accordance with the requirements of 40 CFR 60.7(c) and 60.13~~7~~, or 40 CFR 75~~2~~, incorporated by reference in Section 217.104, or an alternate procedure approved by the Agency or USEPA and included in a federally enforceable permit.
- 6) If using NO_x allowances to comply with the requirements of Section 217.388, reconciliation reports as required by Section 217.392(c)(3).
- d) The owner or operator of an affected unit that is complying with the low usage provisions of Section 217.388(a)(3) must:
- 1) For each unit complying with Section 217.388(a)(3)(A), maintain a record of the NO_x emissions for each calendar year;
 - 2) For each unit complying with Section 217.388(a)(3)(B), maintain a record of bhp or MW-hours operated each calendar year; and
 - 3) For each unit utilizing NO_x allowances for compliance pursuant to Section 217.392(c)(3), maintain and submit any NO_x allowance reconciliation reports.
- e) Instead of complying with the requirements of subsection (a) of this Section, subsection (b) of this Section, subsections (c)(1) through (c)(4) of this Section, and subsection (d) of this Section, an owner or operator of an affected unit complying with the requirements of Section 217.388(a)(1) and operating a CEMS on that unit may meet the applicable testing, monitoring, reporting and recordkeeping requirements for that CEMS of 40 CFR 75, as incorporated by reference in Section 217.107.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3) Section Number: 303.120 Emergency Action:
New Section
- 4) Statutory Authority: Authorized by the Personnel Code [20 ILCS 415/8c(2), 20 ILCS 415/8e, 20 ILCS 415/9], Civil Administrative Code of Illinois [20 ILCS 405/405-10], and P.A. 96-45
- 5) Effective Date of Rulemaking: August 7, 2009
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking has no earlier effective date specified and will expire at the end of 150 days or when permanent rules are adopted, whichever comes first.
- 7) Date Filed with the Index Department: August 7, 2009
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: In the Emergency Budget Implementation Act of Fiscal Year 2010 [Public Act 96-45], the General Assembly found and declared that the State of Illinois is confronted with an unprecedented fiscal crisis. An emergency therefore exists constituting a threat to the public interest, safety, or welfare. In Section 1-20 of that Act, each State Agency is subject to contingency reserves and is authorized to promulgate emergency rules to limit, reduce, or adjust services.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth a furlough program that agencies may implement when conditions require an agency to curtail its operation. This rulemaking defines a furlough program, employees that may be excluded from a furlough program, and the approval process for a furlough program.
- 11) Are there any proposed rulemakings pending to this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Jeff Shuck
CMS Deputy General Counsel
Bureau of Personnel
720 Stratton Office Building, Floor 7
Springfield, Illinois 62706

217/782-5778

Or

Gina Wilson
CMS Legal Offices
720 Stratton Office Building
Springfield, Illinois 62706

217/785-1793

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303
CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section	
303.10	Definition of a Grievance
303.20	Procedure
303.30	Grievance Committee
303.45	Representation

SUBPART B: LEAVE OF ABSENCE

Section	
303.90	Sick Leave
303.100	Accumulation of Sick Leave
303.102	Payment in Lieu of Sick Leave
303.105	Reinstatement of Sick Leave
303.110	Advancement of Sick Leave
303.112	Sick Leave Bank
303.115	Veterans Hospital Leave
303.120	Furlough Program
EMERGENCY	
303.125	Leave for Personal Business
303.130	Maternity/Paternity and Adoption Leave
303.131	Leave in the Event of a Stillborn Child
303.135	On-The-Job-Injury – Industrial Disease
303.140	Leaves of Absence Without Pay
303.142	Leave to Attend Union Conventions
303.145	Disability Leave
303.148	Family Responsibility Leave
303.149	Organ Donor Leave
303.150	Employee Rights After Leave
303.153	Failure to Return

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

303.155	Leave to Take Exempt Position
303.160	Military and Peace Corps Leave
303.170	Military Reserve Training and Emergency Call-Up
303.171	Leave for Military Physical Examinations
303.175	Disaster Service Leave With Pay
303.176	Disaster Service Leave With Pay – Terrorist Attack
303.180	Attendance in Court
303.190	Authorized Holidays
303.200	Holiday Observance
303.215	Payment for Holidays
303.220	Holiday During Vacation
303.225	Eligibility for Holiday Pay
303.250	Vacation Eligibility
303.260	Prorated Vacation for Part-Time Employees
303.270	Vacation Schedule and Loss of Earned Vacation
303.290	Payment in Lieu of Vacation
303.295	Vacation Benefits on Death of Employee

SUBPART C: WORK HOURS AND SCHEDULES

Section	
303.300	Work Schedules
303.310	Emergency Shut-Down
303.320	Overtime
303.330	Overtime Payable Upon Death
303.340	Attendance Records
303.350	Notification of Absence
303.355	Review of Attendance Records

SUBPART D: UNDATED OR INCOMPLETE FORMS

Section	
303.360	Undated Forms
303.370	Incomplete Forms

SUBPART E: EMPLOYEE SEPARATIONS

Section	
303.380	Reason for Separation

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

303.385 Repayment of Benefit Time

SUBPART F: TUITION REIMBURSEMENT

Section

303.390 Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003; emergency amendment at 28 Ill. Reg. 9677, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; emergency amendment at 28 Ill. Reg. 13795, effective October 1, 2004, for a maximum of 150 days; emergency expired February 27, 2005; amended at 28 Ill. Reg. 16308, effective December 3, 2004; amended at 30 Ill. Reg. 329, effective December 30, 2005; amended at 30 Ill. Reg. 13857, effective August 2, 2006; emergency amendment at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6503, effective April 23, 2009; emergency amendment at 33 Ill. Reg. 12032, effective August 7, 2009, for a maximum of 150 days.

SUBPART B: LEAVE OF ABSENCE

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section 303.120 Furlough Program
EMERGENCYa) Definition

- 1) Furlough is a timekeeping status in which an employee is placed for a temporary period of leave without duties or pay because of conditions that require an agency to curtail its operations; a furlough program may be either voluntary or involuntary at the discretion of the agency head. Furlough is a tool to continue State services with minimal disruption and retain valuable employees at reduced cost. The employee's employment status shall not change because of the furlough. Furlough shall not change the employee's continuous or creditable service dates for the purpose of annual evaluations, retirement or longevity, the employee's health or life insurance coverage or the employee's accrual of vacation, sick or personal time. Employees on furlough shall not be at work or on standby or on-call duty and shall not perform State work during furlough time. Furlough shall not be used when permanent or temporary layoff or emergency shut-down is appropriate. Furlough shall not be used as a substitute for permanent part-time employment. Furlough shall not be a means or form of discipline. Employees on paid military leave or other unpaid leave shall not be scheduled for furlough during the leave and shall be scheduled upon return to work if the furlough program remains in effect.

"Employee" includes less than full-time, full-time, intermittent, per diem, temporary, emergency and provisional employees.

- 2) Employees excluded, if any, from the furlough program shall be identified as "furlough-exempt". A uniform, narrow definition of "furlough-exempt" shall be applied throughout the furlough program by the agency head. Furlough-exempt employees may include employees:

A) in 24/7 facilities, to ensure adequate service delivery and staff coverage and who would have to be replaced at a higher cost than the costs saved through furlough;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- B) who perform critical functions of the agency, or protect the safety and health of employees, clients or patients of the agency or the public;
 - C) who are paid 100% by federal funds; and
 - D) who are in revenue-generating positions that generate more money than the costs that would be saved by furlough.
- b) Program Approval – An agency head, with prior approval from the Office of the Governor and the Director of Central Management Services, may institute a furlough program. The agency shall provide advanced notification to affected employees as soon as practicable. An agency head shall indicate whether the furlough is for the entire agency or a designated division or program, the initial effective date of the program, the number of days that employees shall be on furlough and the end date of the furlough program. Agencies shall track which employees have taken furlough and the cost savings to the State.
- c) Furlough Time – Furlough time shall be scheduled in a manner that is consistent with the operating needs of the agency. Furlough may be taken in full or one-half day increments only and may be nonconsecutive. Employees on schedules with shortened workweeks shall take furlough time on a prorated basis. Sick time, vacation time, personal time, accumulated Holiday time, Earned Equivalent Time (EET), and compensatory time shall not be used to remain in pay status while on furlough. Taking a furlough day before or after a holiday shall not result in loss of pay for the holiday. Furlough time shall not count toward overtime. Conflicts regarding scheduling furlough time shall be resolved based first on the operational needs of the agency and second by continuous service date. All furlough time shall be pre-approved. Previously charged unpaid time (unexcused absence, unauthorized absence, excused absence or suspension time) shall not be used to meet an employee's furlough obligation. An agency shall not mandate that an employee take a furlough day on a holiday.
- d) Time Sheets – Furloughs shall be indicated by a daily entry of FD (Furlough Day) on an employee's time sheet.
- e) Furlough Time Value – The value of a furlough day is worth exactly the same amount of money regardless of the number of days in the pay period and is computed by dividing the annualized rate of pay by the total number of days in a

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

work year as filed with the Department of Central Management Services. Regularly recurring items such as longevity pay, shift differential, bilingual pay, and other premium pay items that are paid each month, are included in determining the regular monthly rate. Agencies shall not use temporary or interim assignment pay to determine the value for employees on temporary or interim assignment. The value of the deducted day will be subtracted from the semi-monthly rate. Employees taking furlough on a day when their scheduled number of work hours varies from the employing agency's normal work schedule on that day are only required to furlough the number of hours in that employing agency's normal schedule. For example, an employee who is scheduled to work 10 hours on a furlough day in an agency with a normal work schedule of 7.5 hours, will furlough 7.5 hours and either work the remaining 2.5 hours or utilize benefit time (vacation, personal, accumulated Holiday, EET or compensatory time) for the remaining 2.5 hours that day. The value of such furloughed hours is determined by computing the annualized hourly rate (i.e., annual salary divided by the hours in a regular annual work schedule, 1957.5, for example) and deducting the number of furlough hours taken.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 12032, effective August 7, 2009, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.100 Proposed Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute that Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); 74 FR 11463 and 74 FR 11837 (2009).
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: August 5, 2009
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and as required by Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products in its rules.

The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to correct an inadvertent error in the recordkeeping provisions.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: August 5, 2009
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This peremptory amendment is in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed rulemakings pending to this Part? No
- 13) Statement of Statewide Policy Objectives: This peremptory amendment does not affect units of local government.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 14) Information and questions regarding this peremptory amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/785-5713
217/785-4505 (fax)

The full text of the Peremptory Amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice
125.148	Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117,

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; preemptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; preemptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; preemptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; preemptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; preemptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section 125.100 Records and Reports

- a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.180(a) and 381.181 (2004; 69 FR 1874, effective January 12, 2004; [74 FR 31829, effective July 6, 2009](#)).
- b) Access to the establishment, its premises, records and inventories shall be

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

provided to the Department in accordance with Section 14 of the Act and Section 125.70.

- c) Each person who is required to be licensed in accordance with Section 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that for custom slaughtering and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(B)(2)(f) of the Act. Records shall be retained for 5 years after December 31 of the year in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an on-going investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for such retention and the retention period. The Department shall consider when determining the retention period the court date, if known, or the time needed to conclude the investigation (e.g., considering the type of disease being investigated, the number of animals involved, and laboratory testing procedures, if applicable).
- d) The licensee of the official establishment shall maintain such records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license.
- e) The Department shall request a licensee to submit an evaluation of the inspection program or of the inspector's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection Program or when a complaint on the inspector's performance has been received.

(Source: Amended by peremptory rulemaking at 33 Ill. Reg. 12040, effective August 5, 2009)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 4, 2009 through August 10, 2009 and have been scheduled for review by the Committee at its August 18, 2009 and September 15, 2009 meetings. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/17/09	<u>Pollution Control Board</u> , Definitions and General Provisions (35 Ill. Adm. Code 211)	5/22/09 33 Ill. Reg. 6896	8/18/09
9/17/09	<u>Pollution Control Board</u> , Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)	5/22/09 33 Ill. Reg. 6921	8/18/09
9/17/09	<u>Illinois Racing Board</u> , Medication (11 Ill. Adm. Code 603)	6/19/09 33 Ill. Reg. 8135	8/18/09
9/19/09	<u>Department of Natural Resources</u> , Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)	6/12/09 33 Ill. Reg. 7373	9/15/09
9/19/09	<u>Department of Natural Resources</u> , Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)	6/12/09 33 Ill. Reg. 7402	9/15/09
9/19/09	<u>Department of Natural Resources</u> , Squirrel Hunting (17 Ill. Adm. Code 690)	6/12/09 33 Ill. Reg. 7468	9/15/09
9/19/09	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Gun Season (17 Ill.	6/12/09 33 Ill. Reg.	9/15/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Adm. Code 715)	7479	
9/19/09	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)	6/12/09 33 Ill. Reg. 7486	9/15/09
9/19/09	<u>Illinois Commerce Commission</u> , Licensure of Retail Electric Agents, Brokers, and Consultants (83 Ill. Adm. Code 454)	10/10/08 32 Ill. Reg. 16291	9/15/09

EXECUTIVE ORDER 2009-17

**EXECUTIVE ORDER RESCINDING EXECUTIVE ORDER
NUMBERS 06-09 AND 08-09**

I, Pat Quinn, as Governor of the State of Illinois, do hereby order that Executive Order Number 6 (2009) and Executive Order 8 (2009) be revoked and rescinded, effective as of this date of issuance.

Issued by Governor: August 7, 2009

Filed with Secretary of State: August 7, 2009

PROCLAMATIONS

2009-236**National Council of La Raza Day**

WHEREAS, National Council of La Raza is the largest Hispanic civil rights and advocacy organization in the United States, and works to improve opportunities for millions of Hispanic Americans; and

WHEREAS, National Council of La Raza was founded in 1968, the same year President Lyndon B. Johnson began Hispanic Heritage Week to recognize the contributions of Hispanic Americans to the United States, and

WHEREAS, a non-profit organization, National Council of La Raza was founded to reduce poverty and fight discrimination against Hispanic Americans; and

WHEREAS, National Council of La Raza today serves the Hispanic population through its network of nearly 300 affiliated community-based organizations and more than 35,000 groups and individuals across the country;

WHEREAS, National Council of La Raza also assists Hispanic groups that are not formal affiliates through issue networks on health, education, housing and leadership; and

WHEREAS, National Council of La Raza staff work with organizations across the country on issues ranging from welfare reform to charter schools to civic engagement; and

WHEREAS, National Council of La Raza spearheads national projects to educate organizations about Hispanic needs and services; and

WHEREAS, as a member of the Leadership Conference on Civil Rights, the National Council of La Raza works with other Hispanic and civil rights organizations to advocate for increased opportunities for millions of Hispanic Americans; and

WHEREAS, the Land of Lincoln has a vibrant Hispanic culture, rich history and world-class attractions and is a fitting and proud host to the National Council of La Raza Annual Conference:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 28, 2009 as **NATIONAL COUNCIL OF LA RAZA DAY** in Illinois.

Issued by the Governor July 28, 2009

Filed by the Secretary of State August 7, 2009

PROCLAMATIONS

2009-237**Mark Buehrle Day**

- WHEREAS, the people of Illinois are both entertained and inspired by demonstrations of athletic excellence and take great pride in the achievements of their favorite Major League Baseball teams; and,
- WHEREAS, on July 23, 2009, Chicago White Sox Pitcher Mark Buehrle threw a perfect game for a 5-0 win against the defending American League Champion Tampa Bay Rays at U.S. Cellular Field in Chicago; and,
- WHEREAS, with this accomplishment, Mark Buehrle became only the 18th pitcher in the history of Major League Baseball ever to pitch a perfect game; and,
- WHEREAS, Mark Buehrle's achievement marks the first perfect game ever thrown in a Major League Baseball game in the State of Illinois; and,
- WHEREAS, Mark Buehrle threw a no-hitter against the Texas Rangers at U.S. Cellular Field on April 18th, 2007; and,
- WHEREAS, Mark Buehrle now joins Cy Young, Addie Joss, Jim Bunning, Sandy Koufax and Randy Johnson as the only pitchers in the history of Major League Baseball to have thrown both a perfect game and a no-hitter; and,
- WHEREAS, in his perfect game, Mark Buehrle dominated in a 116-pitch outing over a mere 2 hours and 3 minutes before a cheering crowd of 28,036; and,
- WHEREAS, other players of the Chicago White Sox exemplified the highest ideals of teamwork in contributing to Mark Buehrle's achievement, including Alexei Ramirez, who fielded the final out of the game; Josh Fields, who hit a grand slam home run in the second inning, and Dewayne Wise, who preserved the perfect game with a spectacular defensive play in the top of the ninth inning; and,
- WHEREAS, sports fans throughout the world acknowledge Mark Buehrle's contributions to the Chicago White Sox, the State of Illinois, and the game of baseball; and
- WHEREAS, Mark Buehrle's remarkable performance on Thursday, July 23, 2009, now takes its place among the most memorable moments in the storied history of our national pastime:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, commend and salute Mark Buehrle for his exemplary performance on the baseball diamond and do hereby proclaim July 30, 2009, as **MARK BUEHRLE DAY** in Illinois in recognition of this historic and extraordinary accomplishment.

Issued by the Governor July 30, 2009
Filed by the Secretary of State August 7, 2009.

2009-238**Breastfeeding Promotion Month**

WHEREAS, human breastmilk is widely acknowledged to be the only substance that provides complete nutrition and immunologic protection to the infant; and

WHEREAS, breastfeeding promotes healthier mothers and babies, stronger family bonds, is economical, and benefits society through lower health care costs; and

WHEREAS, breastfeeding is recognized by many health organizations, such as the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians, the American Dietetic Association, and the National Association of WIC Directors as the preferred method of infant feeding, and they support breastfeeding throughout the early years of life; and

WHEREAS, the World Alliance for Breastfeeding has designated the first week of August as World Breastfeeding Week, with the theme "Breastfeeding – A Vital Emergency Response," to draw attention to the vital role that breastfeeding plays in emergencies as a life-saving intervention, while stressing the need for active protection and support of breastfeeding before and during emergencies; and

WHEREAS, in Illinois, the Department of Human Services continues to foster networking and collaboration between those with breastfeeding skills and breastfeeding advocates, communities, and health professionals on how they can actively support and promote breastfeeding; and

WHEREAS, the Illinois State Breastfeeding Task Force continues to work towards the vision that someday all families will live, work, and receive health care in a breastfeeding friendly culture, and that change will be created that results in breastfeeding as the cultural norm:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 2009 as **BREASTFEEDING PROMOTION MONTH** in Illinois, to increase public awareness, support and acceptance of breastfeeding.

Issued by the Governor August 2, 2009
Filed by the Secretary of State August 7, 2009.

2009-239**Child Support Awareness Month**

WHEREAS, the Department of Healthcare and Family Services has been given the responsibility of providing child support services to all Illinois families; and

WHEREAS, Illinois recognizes that children need strong family support; and

WHEREAS, Illinois works to focus attention on the needs of children to have both parents' involvement in their children's lives; and

WHEREAS, Illinois' focus on improving outcomes for families has resulted in record-breaking collections of more than \$1.38 billion; and

WHEREAS, the Department of Healthcare and Family Services is working closely with the Departments of Human Services, Public Health, Children and Family Services, Employment Security, Corrections, Revenue, Natural Resources, the Secretary of State, and other state and county agencies, as well as community groups to increase the number of children for whom paternity is established and whose families receive child support services; and

WHEREAS, Illinois is playing a lead role in helping strengthen families in the Land of Lincoln through innovation and sound practices in child support services:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 2009 as **CHILD SUPPORT AWARENESS MONTH** in Illinois, to promote the importance of child support and to affirm the continued commitment of my administration to helping our children receive the love and care that is vital to their success and to the future welfare of Illinois.

Issued by the Governor August 3, 2009
Filed by the Secretary of State August 7, 2009.

2009-240**Sergeant Gerrick D. Smith**

PROCLAMATIONS

WHEREAS, on Wednesday, July 29, Sergeant Gerrick D. Smith of Sullivan, died at age 19 in Herat, Afghanistan, while serving in support of Operation Enduring Freedom; and

WHEREAS, Sergeant Smith was assigned to Headquarters and Headquarters Company, 2nd Battalion, 130th Infantry Regiment, Army National Guard, based in Marion, Illinois; and

WHEREAS, Sergeant Smith enlisted in the Illinois Army National Guard in February 2007 and graduated from Sullivan High School in 2008. This was his first deployment; and

WHEREAS, a funeral will be held on Saturday, August 8 for Sergeant Smith, who is survived by his mother and father and a sister:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on August 6, 2009 until sunset on August 8, 2009 in honor and remembrance of Sergeant Smith, whose selfless service and sacrifice is an inspiration.

Issued by the Governor August 4, 2009

Filed by the Secretary of State August 7, 2009.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 33, Issue 34 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

80 - 303	.....	11919
86 - 130	.....	11921

ADOPTED RULES

89 - 140	8/17/2009	.....	11938
35 - 201	8/6/2009	.....	11965
35 - 211	8/6/2009	.....	11982
35 - 217	8/6/2009	.....	11999

EMERGENCY RULES

80 - 303	8/7/2009	12032
----------	----------	-------	-------

PEREMPTORY RULES

8 - 125	8/5/2009	12040
---------	----------	-------	-------

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

09 - 17	8/7/2009	.....	12050
09 - 236	7/28/2009	.....	12051
09 - 237	7/30/2009	.....	12052
09 - 238	8/2/2009	.....	12053
09 - 239	8/3/2009	.....	12054
09 - 240	8/4/2009	.....	12054

ORDER FORM

<input type="checkbox"/> Subscription to the Illinois Register (52 Issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER \$ _____	

Check Make Checks Payable To: **Secretary of State**

VISA Master Card Discover (There is a \$2.00 processing fee for credit card purchases.)

Card #: _____ Expiration Date: _____

Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com