

2007

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

October 26, 2007 Volume 31, Issue 43

PROPOSED RULES

EMERGENCY MANAGEMENT AGENCY, ILLINOIS	
Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides	
32 Ill. Adm. Code 336	14568
HUMAN SERVICES, DEPARTMENT OF	
Collections and Recoveries	
89 Ill. Adm. Code 165	14576
POLLUTION CONTROL BOARD	
Organic Material Emission Standards and Limitations for the Chicago Area	
35 Ill. Adm. Code 218	14581

ADOPTED RULES

OFFICE OF THE STATE FIRE MARSHAL	
School Inspections	
41 Ill. Adm. Code 111	14596
WITHDRAWAL OF SUSPENSION OF EMERGENCY RULE	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Supplemental Reports for Accident and Health Insurers	
50 Ill. Adm. Code 937	14604
WITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Standard Procurement	
44 Ill. Adm. Code 1	14605
STATEMENT OF OBJECTION AND FILING PROHIBITION TO PROPOSED RULEMAKING	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Supplemental Reports for Accident and Health Insurers	
50 Ill. Adm. Code 937	14606
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	14607
NOTICE OF REPEAL OF EMERGENCY RULES IN RESPONSE TO THE OBJECTION AND SUSPENSION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES	
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Supplemental Reports for Accident and Health Insurers	
50 Ill. Adm. Code 937.....	14608
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE	

ILLINOIS REGISTER

REVENUE, DEPARTMENT OF

2007 Third Quarter Sales Tax Sunshine Index.....14609

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 peremptory 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.].

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
41	October 1, 2007	October 12, 2007
42	October 9, 2007	October 19, 2007
43	October 15, 2007	October 26, 2007
44	October 22, 2007	November 2, 2007
45	October 29, 2007	November 12, 2007
46	November 5, 2007	November 16, 2007
47	November 12, 2007	November 26, 2007
48	November 19, 2007	December 1, 2006
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 1, 2007 to January 2, 2008 by 4:30 pm, as January 1st is a holiday and the office will be closed.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides
- 2) Code Citation: 32 Ill. Adm. Code 336
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
336.10	Amendment
336.30	Amendment
336.40	Amendment
336.50	Amendment
336.70	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: IEMA is authorized to analyze community drinking water samples for radionuclides and to assess a reasonable fee for these services. This Part sets forth the procedure for requesting analytical services and the fees that the Agency charges for providing analytical services.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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? No
- 11) Statement of Statewide Policy Objective: To assure compliance with the Safe Drinking Water Act (42 USC 300f et seq.) by testing community drinking water for radium and other radionuclides.
- 12) Time, Place and Manner in which interested persons may comment on this proposed Rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin T. McClain
Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/524-1003 (voice)
217/82-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: Businesses and municipalities that are permitted suppliers of drinking water.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - 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 regulatory agendas because: it was not anticipated when the agendas were published.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 336

FEES FOR ANALYTICAL TESTING OF COMMUNITY
DRINKING WATER SUPPLY SAMPLES FOR RADIONUCLIDES

Section

336.10	Purpose and Scope
336.20	Incorporation by Reference
336.30	Definitions
336.40	Procedures for Requesting Testing Services and Payment of Fee
336.50	Community Water Supply Testing Categories
336.55	Changes to Community Water Supply Testing Categories
336.60	New Sampling Points for Existing Community Water Supplies
336.70	Testing Fees
336.80	Conditions

AUTHORITY: Implementing and authorized by Section 2005-40 of the Civil Administrative Code of Illinois [20 ILCS 2005/2005-40].

SOURCE: Adopted by emergency rule at 25 Ill. Reg. 10233, effective August 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 14877, effective October 30, 2001; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 28 Ill. Reg. 6436, effective April 14, 2004; amended at 32 Ill. Reg. _____, effective _____.

Section 336.10 Purpose and Scope

- a) Under the provisions of 20 ILCS 2005/2005-40, the Illinois Emergency Management Agency (Agency) is authorized to analyze community drinking water samples for radionuclides and is authorized to assess a reasonable fee for such services. The Agency's laboratory is certified by the U.S. Environmental Protection Agency (USEPA) to conduct such analyses for compliance with the Safe Drinking Water Act (42 USC 300f, et seq.). This Part sets forth the procedure for requesting analytical services and the fees that the Agency charges for providing analytical services.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- b) Participation in the Agency's testing program is open to Illinois community water supplies for those samples required for compliance with Illinois Pollution Control Board drinking water regulations (35 Ill. Adm. Code Subtitle F). The fee schedule found in Section 336.70 of this Part is effective January 1, 2008. ~~from April 14, 2004 to December 31, 2007. In January 2008, new USEPA testing requirements will go into effect, thus requiring a new fee schedule.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 336.30 Definitions

- a) "Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.145]
- ~~b) "Grandfather monitoring" means radium 228 results generated between June 2000 and December 8, 2003 and used to satisfy the initial monitoring requirements in accordance with 35 Ill. Adm. Code 611.731(b)(2).~~
- ~~b)e)~~ "New community water supply" means a community water supply that begins operation on or after January 1, 2008~~April 14, 2004~~.
- ~~c)d)~~ "New sampling point" means a sampling point that was not in existence or in use at the time a community water supply committed to participate in the Agency's testing program.
- ~~d)e)~~ "Properly certified operator" means an operator certified in accordance with the Public Water Supply Operations Act [415 ILCS 45].
- ~~e)f)~~ "Sampling point" refers to either a point in the distribution system or a finished water entry point where drinking water samples are collected.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 336.40 Procedures for Requesting Testing Services and Payment of Fee

- a) The Agency shall send to all participating community water supplies a notice indicating the testing category to which their sampling points~~they~~ have been assigned by Illinois Environmental Protection Agency (IEPA) and the fee that

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

would apply ~~beginning January 1, 2008 for the period from April 14, 2004 to December 31, 2007 (testing fee period).~~

- b) New community water supplies that commit to participate in the Agency's testing program will automatically be assigned to Category ~~RDS BC or BQ~~ and shall pay the fee specified in Section 336.70 of this Part.
- c) A community water supply that chooses to participate in the Agency's testing program must commit in writing to participate in the program for the ~~next sampling quarter, entire testing fee period. A new community water supply that chooses to participate in the Agency's testing program must commit in writing to participate in the program for whatever portion of the testing fee period that remains when the commitment is made.~~
- d) A community water supply that commits to participate must sign the prescribed commitment form provided and return it to the Agency at least 30 days prior to the date that a test needs to be conducted.
- e) A community water supply that commits to participate in the Agency's testing program and returns the signed form to the Agency shall be billed the appropriate fee by the Agency. The Agency ~~reserves the right to will~~ not perform any tests on samples submitted until the fee is paid.
- f) All fees are to be paid on a quarterly basis.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 336.50 Community Water Supply Testing Categories

For the purposes of this Part, the following testing categories shall initially be assigned to community water supplies based on drinking water testing results on file at IEPA as of November 16, 2007.

<u>Category</u>	<u>Service</u>
<u>4109</u>	<u>Gross alpha analysis</u>
<u>4006</u>	<u>Total uranium analysis</u>
<u>4010</u>	<u>Radium-226 and radium-228 analysis</u>
<u>RDS</u>	<u>Gross alpha, radium-226 and radium-228 analysis</u>

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

RDU Gross alpha, radium-226, radium-228 and total uranium analysis

AGENCY NOTE: If gross alpha result is greater than 15 pCi/L, IEPA requires an additional total uranium analysis (4006).

~~For the purposes of this Part, the following testing categories shall initially be assigned to community water supplies based on drinking water testing results on file at IEPA as of December 31, 2003.~~

Category	Assignment Criteria	Services
AC	Community water supplies that did not participate in the grandfather monitoring for radium 228 requesting radium analysis by composite.	Four consecutive quarters of sampling and analysis for gross alpha. One radium 226 and radium 228 composite analysis.
AQ	Community water supplies that did not participate in the grandfather monitoring for radium 228 requesting radium analysis by quarter.	Four consecutive quarters of sampling and analysis for gross alpha, radium 226 and radium 228.
BC	New community water supplies or existing supplies that add one or more new sampling points to be analyzed for radium by composite.	Four consecutive quarters of sampling and analysis for gross alpha. One radium 226 and radium 228 composite analysis.
BQ	New community water supplies or existing supplies that add one or more new sampling points to be analyzed for radium quarterly.	Four consecutive quarters of sampling and analysis for gross alpha, radium 226 and radium 228.
C3	Community water supplies on a 3 year cycle.	One quarter of sampling and analysis for gross alpha, radium 226 and radium 228.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

C6	Community water supplies on a 6 year cycle.	One quarter of sampling and analysis for gross alpha, radium 226 and radium 228.
C9	Community water supplies on a 9 year cycle.	One quarter of sampling and analysis for gross alpha, radium 226 and radium 228.
CC	Community water supplies out of compliance for radium to be analyzed for radium by composite.	Quarterly sampling and analysis for gross alpha. One radium 226 and radium 228 composite analysis every 4 quarters.
CQ	Community water supplies out of compliance for radium to be analyzed for radium quarterly.	Quarterly sampling and analysis for gross alpha, radium 226 and radium 228.
DC	Community water supplies out of compliance for radium and uranium, or gross alpha greater than 15 pCi/L, to be analyzed for radium by composite.	Quarterly sampling and analysis for gross alpha. One radium 226 and radium 228 and uranium composite analysis every 4 quarters.
DQ	Community water supplies out of compliance for radium and uranium, or gross alpha greater than 15 pCi/L, to be analyzed for radium quarterly.	Quarterly sampling and analysis for gross alpha, radium 226 and radium 228 and uranium.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 336.70 Testing Fees

- a) Community water supplies that choose to participate in the Agency's testing program shall pay a single fee per sampling point to cover testing costs. ~~for the period from April 14, 2004 through December 31, 2007.~~
- b) Fees shall be assessed as follows:

Category	Quarterly Fee per Sampling Point
----------	----------------------------------

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

<u>4109AC</u>	<u>\$65</u> \$140
<u>4006AQ</u>	<u>\$110</u> \$380
<u>4010BC</u>	<u>\$345</u> \$140
<u>RDSBQ</u>	<u>\$400</u> \$380
<u>RDUC3</u>	<u>\$500</u> \$380
<u>E6</u>	<u>\$380</u>
<u>E9</u>	<u>\$380</u>
<u>EE</u>	<u>\$140</u>
<u>EQ</u>	<u>\$380</u>
<u>DC</u>	<u>\$180</u>
<u>DQ</u>	<u>\$570</u>

- c) The Agency will provide all required sample containers and analyze all samples required for compliance with federal radiological drinking water testing requirements over the fee period.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Collections and Recoveries
- 2) Code Citation: 89 Ill. Adm. Code 165
- 3) Section Number: 165.104 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-18, 12-4.4 and 12-13]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking affects Human Capital Development. Pursuant to provisions of Section 10 of the Illinois State Collection Act of 1986, this rulemaking establishes that delinquent debt will be referred to the Department of Revenue Debt Collection Bureau for the collection of debt using all legal authority available to the Department of Revenue.
- 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? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 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: None
 - 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 regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: COLLECTIONSPART 165
COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section

- 165.1 Incorporation By Reference
- 165.10 Overpayments
- 165.20 Determination of Financial Assistance Overpayments
- 165.30 Types of Food Stamp Overpayment Claims
- 165.40 Determination of Food Stamp Overpayments
- 165.42 Establishment of Claims for Food Stamp Overpayments
- 165.44 Acceptable Forms of Food Stamp Payments
- 165.50 Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

Section

- 165.70 Recoupment of Overpayments from Current Temporary Assistance to Needy Families (TANF), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM
CURRENTLY PARTICIPATING HOUSEHOLDS

Section

- 165.80 Initiating Collection from Currently Participating Households
- 165.82 Methods of Food Stamp Claim Repayment
- 165.84 Determination of Monthly Benefit Reduction Amount
- 165.86 Failure to Respond to Initial Demand Letter
- 165.88 Failure to Comply with Repayment Schedule (Repealed)

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section

- 165.100 Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
- 165.102 Demand for Repayment
- 165.104 Methods of Involuntary Repayment
- 165.106 Effect of Return to Active Assistance Status

AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-18, 12-4.4 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. 8187, effective May 24, 1993; amended at 17 Ill. Reg. 18113, effective September 29, 1993; emergency amendment at 20 Ill. Reg. 13376, effective October 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3151, effective February 28, 1997; emergency amendments at 21 Ill. Reg. 8607, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15502, effective November 26, 1997; amended at 22 Ill. Reg. 18939, effective October 1, 1998; amended at 26 Ill. Reg. 400, effective January 1, 2002; amended at 26 Ill. Reg. 16495, effective October 28, 2002; amended at 32 Ill. Reg. _____, effective _____.

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

Section 165.104 Methods of Involuntary Repayment

If the debtor has failed for 90 days to make regular installment payments to retire the overpayment according to the repayment schedule and a balance due is outstanding, the Department may take any or all of the following actions to collect the overpayment:

- a) Initiation of wage garnishment proceedings, if the overpayment was established by a civil judgment and the Department determines that the debtor is employed.
- b) Referral of the overpayment to a private collection agency for collection.
- c) Referral of the overpayment to the Comptroller of the State of Illinois for collection under Section 10.05 of the State Comptroller Act [15 ILCS 405/10.5].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- d) Initiation of proceedings to obtain a civil judgment under Section 8A-76 of the Illinois Public Aid Code [305 ILCS 5/8A-7].
- e) Referral of the overpayment to the Treasury Offset Program for deduction of the debt from tax refunds and/or other federal warrants in accordance with federal regulations (see 7 CFR 272-273).
- f) Referral of delinquent debt to the Department of Revenue Debt Collection Bureau for collection of debt using all legal authority available to the Department of Revenue to collect debt in accordance with Section 10 of the Illinois State Collection Act of 1986 [30 ILCS 210/10].

(Source: Amended at 32 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code Part 218
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
218.480	Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28]
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed discussion of these amendments, see the Board's October 4, 2007 opinion and order in docket R08-8: Abbott Laboratories' Proposed Site Specific Amendment to Applicability Section of Organic Material Emission Standards and Limitations for the Chicago Area; Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)) (R08-8). Abbott Laboratories proposed site-specific amendments for its pharmaceutical manufacturing facility located in Libertyville Township, Lake County. 35 Ill. Adm. Code 218.480(b) contains certain exemptions that are only applicable to Abbott's air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas. Abbott is proposing to amend these site-specific exemptions by "capping" and lowering the overall emissions allowable under the exemptions from its tunnel dryers numbered #1, #2, #3 and #4, and fluid bed dryers numbered #1, #2 and #3, and calculating the amount of exempted emissions from the dryers based on the actual combined emissions from the dryers. Abbott believes that, if adopted, the proposed amendment would reduce the overall allowable emissions from these units while increasing Abbott's operational flexibility, by allowing it to make preferential use of the more efficient fluid bed dryers. In response to Abbott's request, the Board accepted the proposal for hearing, and first notice publication, but does not comment on the merits of the Abbott proposal.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None presently identified.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)]
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board is in the process of scheduling a hearing in the rulemaking. Additionally, the Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R08-8 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact hearing officer Kathleen M. Crowley at 312/814-6929 or email at crowlek@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rulemaking is site specific and will only impact Abbott Laboratories.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not impose any additional reporting or recordkeeping requirements.
- C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control regulations applicable to affected source will be required.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 14) Regulatory Agenda on which this rulemaking was summarized: The Board did not anticipate that Abbott Laboratories would request this site-specific relief.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCESPART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section	
218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvent
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
218.114	Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

Section	
218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VPL
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
218.128	Monitoring VOL Operations
218.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations
218.142	Pumps and Compressors
218.143	Vapor Blowdown
218.144	Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section	
218.181	Solvent Cleaning in General
218.182	Cold Cleaning
218.183	Open Top Vapor Degreasing
218.184	Conveyorized Degreasing
218.185	Compliance Schedule (Repealed)
218.186	Test Methods

SUBPART F: COATING OPERATIONS

Section	
218.204	Emission Limitations
218.205	Daily-Weighted Average Limitations
218.206	Solids Basis Calculation
218.207	Alternative Emission Limitations
218.208	Exemptions from Emission Limitations
218.209	Exemption from General Rule on Use of Organic Material
218.210	Compliance Schedule
218.211	Recordkeeping and Reporting
218.212	Cross-Line Averaging to Establish Compliance for Coating Lines
218.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

218.214	Changing Compliance Methods
218.215	Wood Furniture Coating Averaging Approach
218.216	Wood Furniture Coating Add-On Control Use
218.217	Wood Furniture Coating Work Practice Standards

SUBPART G: USE OF ORGANIC MATERIAL

Section	
218.301	Use of Organic Material
218.302	Alternative Standard
218.303	Fuel Combustion Emission Units
218.304	Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section	
218.401	Flexographic and Rotogravure Printing
218.402	Applicability
218.403	Compliance Schedule
218.404	Recordkeeping and Reporting
218.405	Lithographic Printing: Applicability
218.406	Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
218.407	Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
218.408	Compliance Schedule for Lithographic Printing On and After March 15, 1996
218.409	Testing for Lithographic Printing On and After March 15, 1996
218.410	Monitoring Requirements for Lithographic Printing
218.411	Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL
AND POLYMER MANUFACTURING PLANT

Section	
218.421	General Requirements
218.422	Inspection Program Plan for Leaks
218.423	Inspection Program for Leaks
218.424	Repairing Leaks
218.425	Recordkeeping for Leaks

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

218.426	Report for Leaks
218.427	Alternative Program for Leaks
218.428	Open-Ended Valves
218.429	Standards for Control Devices
218.430	Compliance Date (Repealed)
218.431	Applicability
218.432	Control Requirements
218.433	Performance and Testing Requirements
218.434	Monitoring Requirements
218.435	Recordkeeping and Reporting Requirements
218.436	Compliance Date

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section

218.441	Petroleum Refinery Waste Gas Disposal
218.442	Vacuum Producing Systems
218.443	Wastewater (Oil/Water) Separator
218.444	Process Unit Turnarounds
218.445	Leaks: General Requirements
218.446	Monitoring Program Plan for Leaks
218.447	Monitoring Program for Leaks
218.448	Recordkeeping for Leaks
218.449	Reporting for Leaks
218.450	Alternative Program for Leaks
218.451	Sealing Device Requirements
218.452	Compliance Schedule for Leaks
218.453	Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

218.461	Manufacture of Pneumatic Rubber Tires
218.462	Green Tire Spraying Operations
218.463	Alternative Emission Reduction Systems
218.464	Emission Testing
218.465	Compliance Dates (Repealed)
218.466	Compliance Plan (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section	
218.480	Applicability
218.481	Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482	Control of Air Dryers, Production Equipment Exhaust Systems and Filters
218.483	Material Storage and Transfer
218.484	In-Process Tanks
218.485	Leaks
218.486	Other Emission Units
218.487	Testing
218.488	Monitoring for Air Pollution Control Equipment
218.489	Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section	
218.500	Applicability for Batch Operations
218.501	Control Requirements for Batch Operations
218.502	Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations
218.503	Performance and Testing Requirements for Batch Operations
218.504	Monitoring Requirements for Batch Operations
218.505	Reporting and Recordkeeping for Batch Operations
218.506	Compliance Date
218.520	Emission Limitations for Air Oxidation Processes
218.521	Definitions (Repealed)
218.522	Savings Clause
218.523	Compliance
218.524	Determination of Applicability
218.525	Emission Limitations for Air Oxidation Processes
218.526	Testing and Monitoring
218.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

218.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section

218.561 Architectural Coatings
218.562 Paving Operations
218.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section

218.581 Bulk Gasoline Plants
218.582 Bulk Gasoline Terminals
218.583 Gasoline Dispensing Operations – Storage Tank Filling Operations
218.584 Gasoline Delivery Vessels
218.585 Gasoline Volatility Standards
218.586 Gasoline Dispensing Operations – Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

Section

218.601 Perchloroethylene Dry Cleaners (Repealed)
218.602 Applicability (Repealed)
218.603 Leaks (Repealed)
218.604 Compliance Dates (Repealed)
218.605 Compliance Plan (Repealed)
218.606 Exception to Compliance Plan (Repealed)
218.607 Standards for Petroleum Solvent Dry Cleaners
218.608 Operating Practices for Petroleum Solvent Dry Cleaners
218.609 Program for Inspection and Repair of Leaks
218.610 Testing and Monitoring
218.611 Applicability for Petroleum Solvent Dry Cleaners
218.612 Compliance Dates (Repealed)
218.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

218.620	Applicability	
218.621	Exemption for Waterbase Material and Heatset-Offset Ink	
218.623	Permit Conditions (Repealed)	
218.624	Open-Top Mills, Tanks, Vats or Vessels	
218.625	Grinding Mills	
218.626	Storage Tanks	
218.628	Leaks	
218.630	Clean Up	
218.636	Compliance Schedule	
218.637	Recordkeeping and Reporting	

SUBPART BB: POLYSTYRENE PLANTS

Section	
218.640	Applicability
218.642	Emissions Limitation at Polystyrene Plants
218.644	Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section	
218.660	Applicability
218.666	Control Requirements
218.667	Compliance Schedule
218.668	Testing
218.670	Recordkeeping and Reporting for Exempt Emission Units
218.672	Recordkeeping and Reporting for Subject Emission Units

SUBPART DD: AEROSOL CAN FILLING

Section	
218.680	Applicability
218.686	Control Requirements
218.688	Testing
218.690	Recordkeeping and Reporting for Exempt Emission Units
218.692	Recordkeeping and Reporting for Subject Emission Units

SUBPART FF: BAKERY OVENS (REPEALED)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Section

218.720	Applicability (Repealed)
218.722	Control Requirements (Repealed)
218.726	Testing (Repealed)
218.727	Monitoring (Repealed)
218.728	Recordkeeping and Reporting (Repealed)
218.729	Compliance Date (Repealed)
218.730	Certification (Repealed)

SUBPART GG: MARINE TERMINALS

Section

218.760	Applicability
218.762	Control Requirements
218.764	Compliance Certification
218.766	Leaks
218.768	Testing and Monitoring
218.770	Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

Section

218.780	Emission Limitations
218.782	Alternative Control Requirements
218.784	Equipment Specifications
218.786	Surface Preparation Materials
218.787	Work Practices
218.788	Testing
218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting (Repealed)
218.791	Compliance Date
218.792	Registration
218.875	Applicability of Subpart BB (Renumbered)
218.877	Emissions Limitation at Polystyrene Plants (Renumbered)
218.879	Compliance Date (Repealed)
218.881	Compliance Plan (Repealed)
218.883	Special Requirements for Compliance Plan (Repealed)
218.886	Emissions Testing (Renumbered)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section

218.920	Applicability
218.923	Permit Conditions (Repealed)
218.926	Control Requirements
218.927	Compliance Schedule
218.928	Testing
218.929	Cementable and Dress or Performance Shoe Leather

SUBPART QQ: MISCELLANEOUS FORMULATION
MANUFACTURING PROCESSES

Section

218.940	Applicability
218.943	Permit Conditions (Repealed)
218.946	Control Requirements
218.947	Compliance Schedule
218.948	Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section

218.960	Applicability
218.963	Permit Conditions (Repealed)
218.966	Control Requirements
218.967	Compliance Schedule
218.968	Testing

SUBPART TT: OTHER EMISSION UNITS

Section

218.980	Applicability
218.983	Permit Conditions (Repealed)
218.986	Control Requirements
218.987	Compliance Schedule
218.988	Testing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART UU: RECORDKEEPING AND REPORTING

Section

218.990 Exempt Emission Units
218.991 Subject Emission Units

218.APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C Reference Methods and Procedures
218.APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation
218.APPENDIX E List of Affected Marine Terminals
218.APPENDIX G TRE Index Measurements for SOCFI Reactors and Distillation Units
218.APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-12/20 at 30 Ill. Reg. 9684, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7086, effective April 30, 2007; amended in R08-8 at 32 Ill. Reg. _____, effective _____.

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section 218.480 Applicability

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- a) The rules of this Subpart, except for Sections 218.483 through 218.485 of this Part, apply to all emission units of VOM, including but not limited to reactors, distillation units, dryers, storage tanks for VOL, equipment for the transfer of VOL, filters, crystallizers, washers, laboratory hoods, pharmaceutical coating operations, mixing operations and centrifuges used in manufacturing, including packaging, of pharmaceuticals, and emitting more than 6.8 kg/day (15 lbs/day) and more than 2,268 kg/year (2.5 tons/year) of VOM. If such an emission unit emits less than 2,268 kg/year (2.5 tons/year) of VOM, the requirements of this Subpart still apply to the emission unit if VOM emissions from the emission unit exceed 45.4 kg/day (100 lbs/day).
- b) Notwithstanding subsection (a) of this Section, the air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas located in Libertyville Township, Lake County, Illinois shall be exempt from the rules of this Subpart, except for Sections 218.483 through 218.485, if emissions of VOM not vented to air pollution control equipment do not exceed the following levels:
- 1) For the air suspension coater/dryer: 2,268 kg/year (2.5 tons/year);
 - 2) Except as set forth in subsection (b)(4) of this Section, for~~For~~ each fluid bed dryer: 4,535 kg/year (5.0 tons/year);
 - 3) Except as set forth in subsection (b)(4) of this Section, for~~For~~ each tunnel dryer: 6,803 kg/year (7.5 tons/year); ~~and~~
 - 4) For fluid bed dryers #1, #2, and #3 and for tunnel dryers #1, #2, #3, and #4, the combined total annual emissions from the dryers listed in this subsection (b)(4) shall not exceed 18,779 kg/year (20.7 tons/year); and
- BOARD NOTE: Tunnel dryers are otherwise referred to as warm air dryers.
- 54) For each Accelacota: 6,803 kg/year (7.5 tons/year).
- c) Sections 218.483 through 218.485 of this Part apply to a source having one or more emission units that:
- 1) Are used to manufacture pharmaceuticals, and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 2) Emit more than 6.8 kg/day (15 lbs/day) of VOM and more than 2,268 kg/year (2.5 tons/year) of VOM, or, if less than 2,268 kg/year (2.5 tons/year), these Sections still apply if emissions from one or more sources exceed 45.4 kg/day (100 lbs/day).
- d) No owner or operator shall violate any condition in a permit when the condition results in exclusion of an emission unit from this Subpart.
- e) Any pharmaceutical manufacturing source that becomes subject to the provisions of this Subpart at any time shall remain subject to the provisions of this Subpart at all times.
- f) Emissions subject to this Subpart shall be controlled at all times consistent with the requirements set forth in this Subpart.
- g) Any control device required pursuant to this Subpart shall be operated at all times when the source it is controlling is operated.
- h) Determinations of daily and annual emissions for purposes of this Section shall be made using both data on the hourly emission rate (or the emissions per unit of throughput) and appropriate daily and annual data from records of emission unit operation (or material throughput or material consumption data). In the absence of representative test data pursuant to Section 218.487 of this Part for the hourly emission rate (or the emissions per unit of throughput), such items shall be calculated using engineering calculations, including the methods described in Appendix B of "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products" (EPA-450/2-78-029), incorporated by reference in Section 218.112 of this Part. (This subsection shall not affect the Agency's or the USEPA's authority to require emission tests to be performed pursuant to Section 218.487 of this Part.)
- i) Equipment and operations emitting VOM at a source subject to subsection (a) or (c) of this Section and used to produce pharmaceutical products or a pharmaceutical-like product such as a hormone, enzyme, or antibiotic, shall be deemed to be engaged in the manufacture of pharmaceuticals for the purposes of this Subpart.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: School Inspections
- 2) Code Citation: 41 Ill. Adm. Code 111
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
111.10	New
111.20	New
111.30	New
111.40	New
111.50	New
111.60	New
111.70	New
111.80	New
111.90	New
- 4) Statutory Authority: Implementing and authorized by Sections 2-3.12, and 3-14.21 of the School Code [105 ILCS 5/2-3.12, and 3-14.21]
- 5) Effective Date of Adopted Rules: October 11, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Adopted rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL and is available for public inspection.
- 9) Notice of Proposed Rules published in the Illinois Register: June 22, 2007; 31 Ill. Reg. 8611
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposed and final versions:
 1. In the Title of the Part, struck "PLAN REVIEWS AND"
 2. In the Table of Contents for Section 111.50, struck "Certificate of Renewal" and replaced with "Delegation of Authority"

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

3. In the Table of Contents, struck "111.70 Fees"
4. In the Table of Contents, struck "111.80" and replaced with "111.70"
5. In the Table of Contents, struck "111.90" and replaced with "111.80"
6. In the Table of Contents, struck "Notification of Change" and replaced with "Identification of Delegated Authority".
7. In the Table of Contents, struck "111.100" and replaced with "111.90", struck "Replacement and Duplicate Delegation Certificate" and replaced with "Inspections and Reporting Violations"
8. In the Authority Note, struck "2-3.137, 3-14.20" and "2-3.137, 3-14.20"
9. In Section 111.10, inserted "Superintendent" and struck "Office of Education and the local school board."
10. In Section 111.20, inserted "ISBE" means the Illinois State Board of Education"
11. In Section 111.20, inserted "Public School Checklist" means the checklist prepared by the OSFM and ISBE in accordance with the Health/Life Safety Code adopted by ISBE and used to conduct the annual public school fire safety inspections.[105 ILCS 5/2-3.12(c)"
12. In Section 111.20, struck "means a fire official who is certified by the OSFM to conduct inspections as provided in this Part," and replaced with "means an individual that meets the requirements of rules adopted by the State Fire Marshal in cooperation with the State Board of Education to administer this Section.[105 ILCS 5/2-3.12(k)]"
13. In Section 111.30, deleted "Inspector Qualifications" and replaced with "qualified Fire Official"
14. In Section 111.30(a)(1), deleted "All" and replaced with "Any" then deleted "shall be qualified inspectors"
15. In Section 111.30, inserted the following:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

- "b) Must attend a course conducted by the OSFM on the process and application of these rules and of the public school checklist."
16. In Section 111.60, deleted "Certificate Renewal" and replaced with "of Authority"
17. In Section 111.60, inserted "or the OSFM withdraws the Delegation of Authority."
18. Deleted entire Section 111.80 and replaced with:
- "Section 111.80 Identification of Delegated Authority
- Any individual to whom the authority to conduct school inspections has been delegated will be identified on a list maintained by the OSFM on its website and provided to the ISBE."
19. Renumbered Section 111.90, Notification of Change, as Section 111.80.
20. In Section 111.80, inserted subparagraph "(a)" Any change in the status ...
21. In Section 111.80(a), deleted "Certificate" and replaced with "of Authority"
22. In Section 111.80, inserted the following subparagraph (b):
"If there is any change in the status of the certified inspector that results in the inspector losing the certification under Section 20, the OSFM shall revoke the delegation Certification and the local fire official will be required to reapply for a new delegation Certificate under Section 30."
23. In Section 111.80(a), deleted "Certification" and replaced with "of Authority"
24. Renumbered Section 111.100 as 111.90 and replaced with the following:
- "Section 111.90 Inspections and Reporting Violations
- a) The qualified fire official conducting the inspection shall contact the regional superintendent to determine the region's procedure to be used to schedule an agreeable date for the inspection.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

- b) The qualified fire official shall use the public school checklist and within 15 days of completing the inspection, send a copy of the checklist identifying any violation to the person identified by the regional superintendent as the party to receive such report. The regional superintendent shall correct such violations in accordance with Section 3-14.21(b) of the School Code.
 - c) The qualified fire official shall notify the OSFM of violations that present imminent harm to occupants of the school and any violation(s) that are not corrected by the next annual fire inspection.
 - d) The OSFM and the ISBE shall resolve any disputes between an inspector and the local school or Regional Superintendent that arise from the annual inspection."
- 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 amendments pending to this part? No
- 15) Summary and Purpose of the Rules: The rules are intended to carry out the purpose and requirements of the amendments to the School Code regarding fire inspections in public schools.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Misty Matykiewicz
Director of the Fire Prevention Division
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217/782-1062

The full Text of the Adopted Rules begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 111

SCHOOL INSPECTIONS

Section	
111.10	Scope
111.20	Definitions
111.30	General Requirements for a Qualified Fire Official
111.40	Inspection Standards
111.50	Application for Delegation of Authority
111.60	Delegation of Authority
111.70	Identification of Delegated Authority
111.80	Notification of Change
111.90	Inspections and Reporting Violations

AUTHORITY: Implementing and authorized by Sections 2-3.12 and 3-14.21 of the School Code [105 ILCS 5/2-3.12 and 3-14.21].

SOURCE: Adopted at 31 Ill. Reg. 14596, effective October 11, 2007.

Section 111.10 Scope

This Part implements the portions of Public Act 94-0225 and the School Plan Review and Inspections Task Force Report that require the State Fire Marshal's office to adopt rules that set out the qualifications of Fire Prevention Inspectors that are authorized to conduct annual fire safety inspections in public schools and report violations to the regional superintendent.

Section 111.20 Definitions

For purposes of this Part, the term:

"ICC" means the International Code Counsel.

"ISBE" means the Illinois State Board of Education.

"NFPA" means the National Fire Protection Association.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

"OSFM" means the Office of the State Fire Marshal.

"Public School Checklist" means the checklist prepared by OSFM and ISBE in accordance with the Health/Life Safety Code (23 Ill. Adm. Code 180) adopted by ISBE and used to conduct the annual public school fire safety inspections (see 105 ILCS 5/3-14.21(c)).

"Qualified Fire Official" means an individual who meets the requirements of this Part, in cooperation with ISBE, to administer annual public school fire safety inspections (see 105 ILCS 5/2-3.12(k)).

Section 111.30 General Requirements for a Qualified Fire Official

- a) The following qualifications are necessary for OSFM to delegate its authority to inspect public school buildings to a qualified fire official:
 - 1) Any Fire Prevention Inspectors employed by OSFM;
 - 2) Any Fire Prevention Inspector employed by a unit of local government who is certified as a Fire Officer I or a Fire Prevention Officer by OSFM;
 - 3) Any Fire Prevention Inspector employed by a unit of local government who possesses a certification as a Fire Inspector I or Fire Inspector II issued by the ICC;
 - 4) Any Fire Prevention Inspector employed by a unit of local government who possesses a current certification as a Fire Inspector I or Fire Inspector II issued by the NFPA.
- b) The qualified fire official must attend a course conducted by OSFM on the process and application of this Part and of the public school checklist.

Section 111.40 Inspection Standards

All annual inspections of public schools shall be conducted using the standards contained in the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180).

Section 111.50 Application for Delegation of Authority

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

For purposes of this Part, all applications submitted to OSFM requesting delegation as a Fire Prevention Inspector shall be signed and submitted on letterhead provided by the unit of local government and shall include the following information:

- a) The name and address of the unit of local government. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
- b) A copy of the current qualifying certification held by the person requesting delegation from the OSFM (as required by Section 111.30).

Section 111.60 Delegation of Authority

The OSFM Delegation of Authority issued pursuant to Section 111.30 is valid until there is a change in status of the individual certified by OSFM or OSFM withdraws the Delegation of Authority.

Section 111.70 Identification of Delegated Authority

Any individual to whom the authority to conduct school inspections has been delegated will be identified on a list maintained by OSFM on its website and provided to ISBE.

Section 111.80 Notification of Change

- a) Any change in the status of the certification under which an individual qualifies for a Delegation of Authority under Section 111.30 or in the employment status of the individual Fire Prevention Inspector shall be reported to the OSFM within 5 days.
- b) If there is any change in the status of the inspector that results in the inspector losing the Delegation of Authority under Section 111.30, OSFM shall withdraw the Delegation of Authority and the local fire official will be required to reapply for a new Delegation of Authority under Section 111.50.

Section 111.90 Inspections and Reporting Violations

- a) The qualified fire official conducting the inspection shall contact the regional superintendent to determine the region's procedure to be used to schedule an agreeable date for the inspection.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

- b) The qualified fire official shall use the public school checklist and, within 15 days after completing the inspection, send a copy of the checklist identifying any violation to the person identified by the regional superintendent as the party to receive the report. The regional superintendent shall correct the violations in accordance with Section 3-14.21(b) of the School Code.
- c) The qualified fire official shall notify OSFM of violations that present imminent harm to occupants of the school and any violations that are not corrected by the next annual fire inspection.
- d) OSFM and ISBE shall resolve any disputes regarding the annual inspection that arise between the qualified fire official and the regional superintendent.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

Heading of the Part: Supplemental Reports for Accident and Health Insurers

Code Citation: 50 Ill. Adm. Code 937

Section Numbers: 937.10 937.30 937.50 937.EXHIBIT B
 937.20 937.40 937.EXHIBIT A 937.EXHIBIT C

Date Originally Published in Illinois Register: 7/27/07
31 Ill. Reg. 10699

Date Suspension Published in Illinois Register: 10/5/07
31 Ill. Reg. 14119

Date Suspension Became Effective: 9/18/07

Date Suspension Withdrawn: 10/10/07

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on 10/10/07, has withdrawn the Suspension of the Department of Financial and Professional Regulation's emergency rule titled Supplemental Reports for Accident and Health Insurers (50 Ill. Adm. Code 937; 31 Ill. Reg. 10699), conditioned on the Department's agreement to file an emergency repealer of this emergency rule. The lifting of the Suspension will be effective on the effective date of the emergency repealer of the emergency rule. The Committee originally issued this Suspension at its 9/18/07 meeting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Standard Procurement

Code Citation: 44 Ill. Adm. Code 1

Section Number: 1.2036

Date Originally Published in the Illinois Register: 12/29/06
30 Ill. Reg. 19577

Date Filing Prohibition Published in Illinois Register: 7/6/07
31 Ill. Reg. 9532

Date Filing Prohibition Became Effective: 6/19/07

Date Filing Prohibition Withdrawn: 10/10/07

The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on October 10, 2007, has withdrawn the prohibition against the filing of the Department of Central Management Services' rulemaking titled Standard Procurement (44 Ill. Adm. Code 1; 30 Ill. Reg. 19577), conditioned on the Department's agreement to withdraw this rulemaking in response to the Committee's Objection. The Committee originally issued this Filing Prohibition at its 6/19/07 meeting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION AND FILING PROHIBITION
TO PROPOSED RULEMAKING

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

Heading of the Part: Supplemental Reports for Accident and Health Insurers

Code Citation: 50 Ill. Adm. Code 937

<u>Section Numbers:</u>	937.10	937.40	937.EXHIBIT B
	937.20	937.50	937.EXHIBIT C
	937.30	937.EXHIBIT A	

Date Originally Published in the Illinois Register: 7/27/07
31 Ill. Reg. 10546

At its meeting on October 10, 2007, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of this rulemaking would constitute a serious threat to the public interest because the Department lacks specific statutory authority, under Section 136 of the Insurance Code, to require the submission of quarterly reports of information such as CPT Codes, particularly with the aim of regulating the insurance marketplace and pricing, rather than examining the financial solvency of insurance carriers.

The proposed rulemaking may not be filed with the Secretary of State or enforced by the Department of Financial and Professional Regulation for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.

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 October 9, 2007 through October 15, 2007 and have been scheduled for review by the Committee at its November 13, 2007 meeting. 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>
11/23/07	<u>State Board of Elections</u> , Practice and Procedure (26 Ill. Adm. Code 125)	8/17/07 31 Ill. Reg. 12160	11/13/07
11/28/07	<u>Department of Public Health</u> , Podiatric Scholarship and Residency Programs Code (77 Ill. Adm. Code 593)	7/27/07 31 Ill. Reg. 10626	11/13/07
11/28/07	<u>Department of Agriculture</u> , Halal Food Disclosure (8 Ill. Adm. Code 190)	2/2/07 31 Ill. Reg. 2053	11/13/07

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REPEAL OF EMERGENCY RULES IN RESPONSE TO THE OBJECTION
AND SUSPENSION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Supplemental Reports for Accident and Health Insurers
- 2) Code Citation: 50 Ill. Adm. Code 937
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
937.10	Repeal
937.20	Repeal
937.30	Repeal
937.40	Repeal
937.50	Repeal
937.EXHIBIT A	Repeal
937.EXHIBIT B	Repeal
937.EXHIBIT C	Repeal
- 4) Date Notice of Emergency Rule Published in the Illinois Register: July 27, 2007; 31 Ill. Reg. 10699
- 5) JCAR Statement of Objection to and Suspension of Emergency Rules published in the Illinois Register: October 5, 2007; 31 Ill. Reg. 14119
- 6) Date Agency Submitted this repealer to JCAR for approval: October 11, 2007
- 7) Summary of Action taken by the Agency: On September 18, 2007, the Joint Committee on Administrative Rules (JCAR) objected to and suspended the above-referenced emergency rulemaking. On October 10, 2007, JCAR withdrew the suspension based upon the Department's commitment in its agency response to repeal the emergency rulemaking. While the Department respectfully disagrees with JCAR's decision to object to and suspend the rulemaking, it hereby repeals the emergency rulemaking, effective upon filing with the Secretary of State.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 2005. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Certificate of Registration	Medical Appliances
Charitable Games	Miscellaneous
Computer Software	Repairs
Exempt Organizations	Sale at Retail
Food, Drugs & Medical Appliances	Sale for Resale
Graphic Arts	Service Occupation Tax
Gross Receipts	Use Tax
Leasing	
Local Taxes	

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

CERTIFICATE OF REGISTRATION

ST 07-0101-GIL 07/25/2007 The Social Security Act establishes federal authority by which the Department of Revenue may use Social Security numbers as the identification numbers required by the tax laws. See 42 USC 405 (c)(2)(C)(i).

CHARITABLE GAMES

ST 07-0102-GIL 07/26/2007 The Raffles Act governs the conduct of raffles in Illinois. 230 ILCS 15/0.01 et seq.

COMPUTER SOFTWARE

ST 07-0003-PLR 08/10/2007 This letter discusses whether certain software agreements qualify as licenses of software and not retail sales of software under the Retailers' Occupation Tax Act. See 86 Ill. Adm. Code 130.1935.

ST 07-0004-PLR 08/10/2007 If transactions for the licensing of computer software meet all of the criteria provided in subsection (a)(1) of Section 130.1935, neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935.

ST 07-0125-GIL 8/16/2007 This letter discusses sales of software. See 86 Ill. Adm. Code 130.1935.

EXEMPT ORGANIZATIONS

ST 07-0002-PLR 08/10/2007 This letter discusses the sales tax liabilities of university dining facilities that are open to the public, where sales are made by the university and by other vendors, and some purchases are made using university "dining dollars." See 86 Ill. Adm. Code 130.2005.

ST 07-0005-PLR 09/26/2007 Exempt organizations can make only certain limited amounts of sales without incurring Retailers' Occupation Tax liability. 86 Ill. Adm. Code 130.2005.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- ST 07-0088-GIL 07/10/2007 This letter concerns the taxation of purchases of fuel oil under the Low Income Home Energy Assistance Program. See 86 Ill. Adm. Code 130.2007 and 130.2080.
- ST 07-0097-GIL 07/23/2007 While the sale of tangible personal property at retail by exclusively religious, educational or charitable organizations is generally subject to Retailer's Occupation Tax, there are three limited exceptions. See 86 Ill. Adm. Code Sections 130.2005(a)(2) through 130.2005(a)(4).
- ST 07-0107-GIL 08/01/2007 Organizations that have E numbers are allowed to engage in a very limited amount of retail selling without incurring Retailers' Occupation Tax liability. These limited amounts of selling are described at 86 Ill. Adm. Code 130.2005(a)(2) through (a)(4).
- ST 07-0116-GIL 08/07/2007 Sales to exempt organizations are subject to sales tax unless the organization has obtained an active exemption identification number ("E" number) from the Department. See 86 Ill. Adm. Code 130.2080.

FOOD, DRUGS & MEDICAL APPLIANCES

- ST 07-0089-GIL 07/12/2007 A medicine or drug is "any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities." See 86 Ill. Adm. Code 130.310.
- ST 07-0094-GIL 07/13/2007 This letter concerns the low 1% State rate of tax applicable to food, drugs and medical appliances. See 86 Ill. Adm. Code 130.310.
- ST 07-0130-GIL 08/27/2007 This letter discusses tax on supplements. See 86 Ill. Adm. Code 130.310.
- ST 07-0131-GIL 08/27/2007 This letter discusses tax on food supplements. See 86 Ill. Adm. Code 130.310.

GRAPHIC ARTS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 07-0099-GIL 07/24/2007 The Department's rules regarding the Graphic Arts Machinery and Equipment Exemption are set forth at 86 Ill. Adm. Code 130.325.

ST 07-0114-GIL 08/07/2007 The Department's regulation at Section 130.325(b)(1)(D) provides that the graphic arts machinery and equipment exemption includes printing by methods including digital printing.

GROSS RECEIPTS

ST 07-0091-GIL 07/12/2007 "Gross receipts" includes all the consideration received by a retailer for a retail sale. See 86 Ill. Adm. Code 130.2125.

ST 07-0121-GIL 08/16/2007 This letter discusses a sales incentive program between a supplier and its retailer customer.

LEASING

ST 07-0083-GIL 07/03/2007 This letter refers to ST 06-0201-GIL regarding leases and conditional sales.

ST 07-0115-GIL 08/07/2007 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220.

ST 07-0118-GIL 08/15/2007 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220.

LOCAL TAXES

ST 07-0081-GIL 07/03/2007 The Illinois Department of Revenue does not administer the provisions of the Illinois Municipal Code that allow municipalities to impose taxes on persons engaged in the business of renting, leasing, or letting rooms in a hotel in those municipalities. 65 ILCS 5/8-3-14. Therefore the Department cannot make a ruling regarding application of that tax.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- ST 07-0106-GIL 07/30/2007 This letter describes when local sales taxes are imposed in Illinois. See 86 Ill. Adm. Code 270.115.
- ST 07-0109-GIL 08/07/2007 This letter discusses the imposition of local taxes. See 86 Ill. Adm. Code 270.115 regarding jurisdiction questions.
- ST 07-0112-GIL 08/07/2007 In general, the imposition of the various sales tax related local taxes in Illinois are triggered when "selling" occurs in a jurisdiction imposing a tax. 86 Ill. Adm. Code 270.115.

MEDICAL APPLIANCES

- ST 07-0103-GIL 07/26/2007 According to the Department's regulation at 86 Ill. Adm. Code 130.310, a medical appliance is an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body.
- ST 07-0110-GIL 08/07/2007 A medical appliance is defined as an item that is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See part (c) of Section 130.310.
- ST 07-0113-GIL 08/07/2007 Products that qualify as medicines, drugs, or medical appliances are taxed at the reduced sales tax rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310.
- ST 07-0117-GIL 08/15/2007 Medical appliances are not taxed at the normal State rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310.
- ST 07-0126-GIL 08/17/2007 Medical appliances are not taxed at the normal State rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL).

MISCELLANEOUS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- ST 07-0092-GIL 07/13/2007 The Department will not approve the accuracy of private legal publications.
- ST 07-0108-GIL 08/02/2007 This letter responds to an annual survey. See 86 Ill. Adm. Code, Parts 130, 140, 150 and 160.
- ST 07-0127-GIL 08/17/2007 This letter discusses issues related to tangible personal property purchased for use or consumption within an enterprise zone in the process of manufacturing or assembling by certain business enterprises certified by the Department of Commerce and Community Affairs. 86 Ill. Adm. Code 130.1951(g).
- ST 07-0128-GIL 08/21/2007 This letter discusses issues related to tangible personal property purchased for use or consumption within an enterprise zone in the process of manufacturing or assembling by certain business enterprises certified by the Department of Commerce and Community Affairs. 86 Ill. Adm. Code 130.1951(g).
- ST 07-0132-GIL 08/27/2007 The Federal government is exempt from the Gas Revenue Tax, the Public Utilities Tax, the Telecommunications Excise Tax and the Electricity Excise Tax. See 86 Ill. Adm. Code 470.160 and 510.160, 35 ILCS 630/2 and 35 ILCS 640/1 et seq.

REPAIRS

- ST 07-0095-GIL 07/16/2007 This letter discusses the taxation of express warranties and extended warranties. See 86 Ill. Adm. Code 140.141 and 86 Ill. Adm. Code 140.301.

SALE AT RETAIL

- ST 07-0098-GIL 07/23/2007 This letters discusses sales tax for groceries ordered in Illinois but delivered in Mexico. See 35 ILCS 120/1 et seq. and 35 ILCS 105/1 et al..
- ST 07-0124-GIL 08/16/2007 This letter discusses tax issues related to the sale of residential security systems. See 35 ILCS 120/1.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

SALE FOR RESALE

- ST 07-0086-GIL 07/05/2007 This letter references the Department's rules on drop shipments. See 86 Ill. Adm. Code 130.225.
- ST 07-0111-GIL 08/07/2007 This letter describes the standard drop-shipment scenario and certificates of resale. 86 Ill. Adm. Code 130.1405.
- ST 07-0129-GIL 08/23/2007 In regard to the signature requirement for a Retailers' Occupation Tax resale certificate, a digital signature would be acceptable. See 5 ILCS 175/5-120 and 86 Ill. Adm. Code 130.1405.

SERVICE OCCUPATION TAX

- ST 07-0087-GIL 07/05/2007 The Service Occupation Tax is a tax imposed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.
- ST 07-0090-GIL 07/12/2007 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.
- ST 07-0100-GIL 07/24/2007 In general, if one business provides tangible personal property to another business and the second business returns the same tangible personal property back to the first business in a different form, then no Retailers' Occupation Tax, Use Tax, Service Occupation Tax, or Service Use Tax is owed for this transaction by either business. See 86 Ill. Adm. Code 150.101
- ST 07-0104-GIL 07/27/2007 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101.
- ST 07-0105-GIL 07/27/2007 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- ST 07-0119-GIL 08/15/2007 Under the Service Occupation Tax Act, businesses providing services (i.e. servicemen) are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101.
- ST 07-0122-GIL 08/16/2007 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101 regarding sales of service and Service Occupation Tax.
- ST 07-0123-GIL 08/16/2007 This letter concerns sales of advertising services. See 86 Ill. Adm. Code 140.101.
- USE TAX
- ST 07-0082-GIL 07/03/2007 For a listing of possible exemptions from Use Tax for incoming out-of-State motor vehicles, see the instructions for form RUT-25, "Use Tax Transaction Return" available on the Department's web site.
- ST 07-0084-GIL 07/03/2007 This letter discusses the Department's voluntary disclosure program. See 86 Ill. Adm. Code 210.126 for information about voluntary disclosure. (This is a GIL.)
- ST 07-0085-GIL 07/05/2007 This letter concerns the interim use exemption. See 86 Ill. Adm. Code 150.306.
- ST 07-0093-GIL 07/13/2007 Foreign and domestic travelers are not exempt from Use Tax liability for purchases of merchandise at retail within the State of Illinois. See 86 Ill. Adm. Code 130.605.
- ST 07-0096-GIL 07/17/2007 The Use Tax Act imposes a tax upon the privilege of using in this State tangible personal property purchased at retail from a retailer. 35 ILCS 105/3.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 07-0120-GIL 08/16/2007 While a watercraft is in the retailer's sales inventory, the retailer may use the watercraft without incurring any Use Tax for 18 months. See 86 Ill. Adm. Code 150/306(c).

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 43 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

32 - 336	14568
89 - 165	14576
35 - 218	14581

ADOPTED RULES

41 - 111	10/11/2007.....	14596
----------	-----------------	-------

EMERGENCY RULES

50 - 937	10/15/2007.....	14608
----------	-----------------	-------

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENTS OF SUSPENSION

50 - 937	14604
----------	-------	-------

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENTS OF PROHIBITED FILINGS

44 - 1	14605
50 - 937	14606

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