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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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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.].

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
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17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
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24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
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39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: The second filing period for submitting Regulatory Agendas will start October 14, 2008 with the last day to file being January 2, 2009.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Commission Accounting for Direct Premium
- 2) Code Citation: 50 Ill. Adm. Code 912
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
912.5	Repeal
912.10	Repeal
912.20	Repeal
912.30	Repeal
912.40	Repeal
912.50	Repeal
912.60	Repeal
- 4) Statutory Authority: Implementing Sections 133 and 136 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/133, 136 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The requirements of this Part are being repealed because the information insurance companies were required to file are now included in the annual financial statement instructions. The NAIC Accounting Practices and Procedure Manual (APPM) # 71 covers commission accounting for direct premium. This rule is duplicative and unnecessary.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Joseph T. Clennon, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

or

Craig Cellini, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3rd Floor
Springfield, Illinois 62767-0001

217/557-1396

217/785-0813

- 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: July 2008

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND
PROFESSIONAL REGULATION](#)~~INSURANCE~~

SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 912

COMMISSION ACCOUNTING FOR DIRECT PREMIUM ([REPEALED](#))

Section

912.5	Authority
912.10	Application
912.20	Commissions Reflected in the Financial Statements
912.30	Mandatory Commission Reserve
912.40	Commissions Based on Loss Experience
912.50	Financial Reporting of the Mandatory Commission Reserve
912.60	Effective Date of the Mandatory Commission Reserve

AUTHORITY: Implementing Sections 133 and 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 745, 748 and 1013).

SOURCE: Filed November 9, 1964, effective December 1, 1964; amended at 5 Ill. Reg. 1043, effective January 14, 1981; codified at 7 Ill. Reg. 268; repealed at 33 Ill. Reg. _____, effective _____.

Section 912.5 Authority

The following Rule is promulgated and adopted pursuant to and in accordance with the provisions of Section 401 of the Illinois Insurance Code, which empowers the Director "...to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State. It is the purpose of this Rule to implement Sections 133 and 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 745 and 748) by providing for the method of accounting to be used in reflecting the amount of commissions in the annual statement.

Section 912.10 Application

This Rule applies to all domestic, foreign and alien insurance companies authorized to transact any of the business of insurance specified under Classes 1(b), 2 and 3 of Section 4 of the Illinois Insurance Code.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

Section 912.20 Commissions Reflected in the Financial Statements

Commissions shall be reflected in the financial statements for all premiums written. Financial statements shall not reflect commissions, paid or incurred, on an earned premium basis except as provided in Section 912.40 below.

Section 912.30 Mandatory Commission Reserve

A reserve shall be established for unpaid commissions whenever commissions are paid on an earned premium basis but are not dependent on loss experience under the insurance written. This reserve shall be known as a Mandatory Commission Reserve and shall be based on the unearned premium reserve and shall be computed by use of the company's weighted average commission rate for a certain line times the unearned premium for the same line.

Section 912.40 Commissions Based on Loss Experience

Whenever a company's agency contracts provided that commissions will be determined by use of a formula which relates to loss experience, then a Mandatory Commission Reserve must be established for the earned portion contingent upon such experience. The amount of this Mandatory Commission Reserve shall be based on adequate company experience, if available, or on some reasonable average industry experience, and shall be the sum of the amounts of commission earned but not yet paid nor credited to the agents as of the date of the company's statement, computed under the contract formulas on the experience as of such date, whether or not the contracts provide for payment to the agents at such date or at a later date and whether or not the amount of commission payable may be changed by subsequent loss experience.

Section 912.50 Financial Reporting of the Mandatory Commission Reserve

Where a company is required to provide a Mandatory Commission Reserve it shall report such charges in its financial statements as an operational charge.

Section 912.60 Effective Date of the Mandatory Commission Reserve

In all cases, the Mandatory Commission Reserve shall be fully established not later than December 31, 1964. The Director shall have the authority to extend the time for the establishment of this reserve by any company for reasons which he shall deem good and sufficient.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Anticipated Salvage and Subrogation Recoverable
- 2) Code Citation: 50 Ill. Adm. Code 927
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
927.10	Repeal
927.20	Repeal
927.30	Repeal
- 4) Statutory Authority: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 748 and 1013) [215 ILCS 5/135 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The requirements of this Part are being repealed because the information insurance companies were required to file are included in the annual financial statement instructions. This Part is duplicative and unnecessary.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Joseph T. Clennon, Staff Attorney
Department of Financial and

Craig Cellini, Rules Coordinator
Department of Financial and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

Professional Regulation Division of Insurance 320 West Washington, 4 th Floor Springfield, Illinois 62767-0001	or	Professional Regulation 320 West Washington 3 rd Floor Springfield, Illinois 62767-0001
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217/557-1396

217/785-0813

- 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: July 2008

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 927

ANTICIPATED SALVAGE AND SUBROGATION RECOVERABLE [\(REPEALED\)](#)

Section

927.10	Authority
927.20	Purpose and Scope
927.30	No Credit Permitted

AUTHORITY: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 748 and 1013) [215 ILCS 5/135 and 401].

SOURCE: Adopted at 5 Ill. Reg. 1034, effective January 14, 1981; codified at 7 Ill. Reg. 2362; amended at 17 Ill. Reg. 15834, effective September 14, 1993; repealed at 33 Ill. Reg. _____, effective _____.

Section 927.10 Authority

This Part is promulgated by the Director of Insurance pursuant to authority contained in Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) [215 ILCS 5/136 and 401] which empowers the Director "*...to make reasonable rules and regulations as may be necessary to make effective...*" insurance laws of the State of Illinois. This Part implements particularly Section 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 748) [215 ILCS 5/136].

Section 927.20 Purpose and Scope

The purpose of this Part is to continue uniformity in annual statements filed with the Director of Insurance pursuant to Section 136 of the Illinois Insurance Code as respects the treatment of salvage and subrogation recoverables. This Part applies to all domestic, foreign and alien companies authorized to transact business of insurance in the State of Illinois.

Section 927.30 No Credit Permitted

An insurance company licensed to do business in this State may take credit in any annual statement or interim statement filed with the Director for anticipated salvage and subrogation

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

recoverable on paid or unpaid losses which has not been reduced to cash, provided the company's net reserves are adequate to meet all future claim obligations. Any credit taken under this Section shall be *in accordance with the annual statement instructions and the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners* [215 ILCS 5/136(1)] which permit the recording of reserves net of anticipated salvage and subrogation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Early Intervention Program
- 2) Code Citation: 89 Ill. Adm. Code 500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
500.45	Amend
500.APPENDIX C	Amend
- 4) Statutory Authority: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: The original intent of this rulemaking was to comply with an agreement between the Department and JCAR to explain how contracted regional intake entities (RIEs) participate in a process to measure family outcomes and develop proficiency testing standards and training approval standards for bilingual IE interpreters. Subsequently, through the approval process, comments were made and it was suggested that we include the requirement of PA 95-617, which requires sign language interpreters to be licensed.
- 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? Yes, the Interpreter for the Deaf Licensure Act of 2007, Public Act 95-617, has been incorporated by reference.
- 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 these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
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: Providers of Early Intervention Services
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Interpreters for the deaf must be licensed
- 14) Regulatory agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: EARLY CHILDHOOD SERVICES

PART 500
EARLY INTERVENTION PROGRAM

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500.20	Definitions

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500.35	Local Interagency Councils
500.40	Illinois Interagency Council on Early Intervention
500.45	Regional Intake Entities
500.50	Eligibility
500.55	Early Intervention Services/Devices
500.60	Provider Qualifications/Credentialing and Enrollment
500.65	Monitoring

SUBPART C: SERVICE DELIVERY REQUIREMENTS

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500.85	Individualized Family Service Plan Implementation
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500.95	Case Transfer
500.100	Transition to Part B or Other Appropriate Services at Age Three
500.105	Case Closure
500.110	Recordkeeping
500.115	Service Provider Requirements

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: FINANCIAL MATTERS

Section

- 500.120 Billing Procedures
- 500.125 Payor of Last Resort
- 500.130 Family Fee/Insurance

SUBPART E: PROCEDURAL SAFEGUARDS/CLIENT RIGHTS

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- 500.135 Minimum Procedural Safeguards
 - 500.140 Administrative Resolution of Complaints By Parents
 - 500.145 Mediation
 - 500.150 Confidentiality/Privacy
 - 500.155 Right to Consent
 - 500.160 Surrogate Parents
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 - 500.170 State Complaint Procedure
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- 500.APPENDIX A Sliding Fee Schedule
 - 500.APPENDIX B Assessment Instruments (Repealed)
 - 500.APPENDIX C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill
 - 500.APPENDIX D Use of Associate Level Providers
 - 500.APPENDIX E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)

AUTHORITY: Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

SOURCE: Adopted at 25 Ill. Reg. 8190, effective July 1, 2001; amended at 27 Ill. Reg. 2611, effective February 7, 2003; amended at 27 Ill. Reg. 13438, effective July 24, 2003; amended at 28 Ill. Reg. 8727, effective June 1, 2004; amended at 29 Ill. Reg. 2254, effective January 31, 2005; amended at 32 Ill. Reg. 2161, effective January 23, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 500.45 Regional Intake Entities

The Department will assure the designation of regional intake points as necessary to accomplish consistent System intake and service coordination throughout the State. The regional entity shall be the contracted entity responsible for implementation of the Early Intervention Services System within its designated geographic area. The regional entity shall:

- a) Participate in public awareness and child find activities by disseminating information to primary referral sources and working with local interagency councils.
- b) Provide adequate accessible and secure space/facilities to store permanent early intervention records and to house staff.
- c) Select, train, and supervise qualified staff to carry out the following tasks within the System specified time frames:
 - 1) Receive referrals.
 - 2) Develop, maintain and process the permanent early intervention case record in accordance with policies set forth by the Department.
 - 3) Provide information about the Early Intervention Services System, including rights and procedural safeguards and available advocacy services, to families and initiate intake with parental consent.
 - 4) Coordinate EI and non-EI services for enrolled families.
 - 5) Ensure that eligibility is determined according to the Department's early intervention eligibility criteria.
 - 6) Comply with family fee policies and procedures as set by the Department.
 - 7) Develop the initial IFSP with the family, within 45 days after referral, consistent with requirements in this Part and federal regulations.
 - 8) Monitor that the integrity of the IFSP process is maintained and completed through accurate, timely and complete implementation of the services as

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

mutually determined and agreed to by the IFSP Team, and consented to in writing by the child's parent/guardian.

- 9) Monitor that the Part C funds are the "payor of last resort" to the extent allowed by law. This includes assistance in accessing resource supports, including but not limited to Medicaid (Title XIX), the State Child Health Insurance Program (Title XXI), the Division of Specialized Care for Children (Title V) and private insurance.
- 10) Assist the family in monitoring IFSP implementation and obtain updated documentation from service providers listed on the IFSP in accordance with this Part, communicating regularly with the family using a variety of face-to-face, telephone, written correspondence, and other methods, including team meetings, to ensure that the family is well informed and an active participant in the implementation of the IFSP.
- 11) Assure that IFSPs are reviewed at least every six months and updated annually.
- 12) Assure that transition planning, case transfer and case closure occur consistent with the requirements of this Part.
- 13) Be knowledgeable of and comply with all applicable federal and State laws, guidelines, procedures, rules, regulations, and executive orders applicable to its activities, including, but not limited to:
 - A) The Individuals with Disabilities Education Act (20 USC 1400 et seq.). The United States Department of Education regulations for the early intervention program for Infants and Toddlers with Disabilities (34 CFR 303) and the Illinois Early Intervention Services System Act.
 - B) The federal Family Education Rights and Privacy Act (FERPA) (20 USC 1232g, 1232h) and the United States Department of Education implementing regulations (34 CFR 99); the Illinois School Student Records Act [105 ILCS 10].
 - C) The Americans with Disabilities Act (42 USC 12131-12134).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- D) The Health Insurance Portability and Accountability Act (42 USC 1320 et seq., and the regulations promulgated thereunder at 45 CFR 160, 162 and 164 regarding transactions, privacy and security).
- d) Maintain a directory of non-EI financial resources and support services for use with families.
- e) Assist families in accessing non-EI financial resources and support services by making appropriate referrals while the child is enrolled with the Early Intervention Services System and at transition. Children found ineligible should be offered referrals for non-EI community resources prior to case closure.
- f) Maintain administrative and programmatic contact with all EI service providers in the service area.
- g) Participate in routine monitoring and technical assistance activities as required by the Department, including on-site monitoring, data collection and reporting obligations, record reviews, financial audits, complaint investigations, and consumer satisfaction surveys.
- h) Enroll as an "All Kids agent" in order to complete the All Kids application as authorized under Section 22 of the Children's Health Insurance Program Act.
- i) [Distribute materials to families as part of](#) ~~Participate in~~ a process to measure family outcomes.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 500.APPENDIX C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill

Nothing in this Appendix C shall exempt any individual from compliance with any and all State licensing requirements and/or supervisory requirements pertinent to the individual's delivery of services.

EI SERVICE

QUALIFIED STAFF

Assistive Technology

Durable medical equipment and supplies; providers may enroll to bill. No credential required.

Audiology, Aural
Rehabilitation/Other Related
Services

Audiologists with a current license in the state where they provide services to Illinois children may enroll to bill. Audiologists are not required to obtain a credential. (Provider is automatically enrolled under assistive technology and aural rehabilitation categories.)

Speech/Language Pathologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Speech/Language Pathologist credential and enroll to bill for aural rehabilitation services. (Provider is automatically enrolled under aural rehabilitation and speech therapy categories.)

Individuals with a masters in speech-language pathology who are participating in a supervised professional experience and hold a temporary license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Pathologist in supervised professional experience credential. Associate services are billed under the enrolled supervisor's name.

Individuals with a current Special Education degree for Deaf and Hard of Hearing may apply for an EI Specialist: Developmental Therapist/Hearing credential and enroll to bill for aural rehabilitation services. May also provide Developmental Therapy Services. (Provider is automatically enrolled under aural rehabilitation category.)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Clinical Assessment,
Counseling, and Other
Therapeutic Services

Clinical Psychologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Psychologist credential and enroll to bill.

Clinical Professional Counselors with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Professional Counselor credential and enroll to bill.

Marriage and Family Therapists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Marriage and Family Therapist credential and enroll to bill.

Clinical Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Clinical Social Worker credential and enroll to bill.

Behavior Analysts with current national certification as a Board Certified Behavior Analyst from the Behavior Analyst Certification Board may apply for an EI Specialist: Behavior Analyst credential and enroll to bill.

Unlicensed individuals employed by school districts as School Psychologists who will only be providing services through their school employment may apply for an EI Specialist: School Psychologist credential.

Graduate students in clinical psychology or clinical counseling who submit a letter from the graduate school verifying that they are providing psychological or clinical counseling services in a supervised internship setting in order to complete a comprehensive, culminating training experience prior to granting of a graduate degree in psychology may apply for an EI Associate: Psychology/Counseling Intern credential. Associate services are billed under the enrolled

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supervisor's name.

Developmental Therapy

Individuals with an EI Specialist Developmental Therapist credential on January 1, 2004 or who are applying for an EI Specialist Developmental Therapist credential prior to January 1, 2004 must have (1) a minimum of Teacher Endorsement in Early Childhood Education (ECE) or Special Education or bachelors degree in ECE, Early Childhood Special Education, Special Education, or human service field with one year of experience working hands on with children birth to 3 with developmental disabilities (Persons with a degree in a human service field must submit proof of training on the use of a formal assessment tool that would allow the provider to perform global evaluations/assessments.); or (2) a current license in art, music, recreation, or other type of therapy, rehabilitative or habilitative in nature, in the state where they provide services to Illinois children may apply for credential renewal or, prior to January 1, 2004, may apply for an EI Specialist Developmental Therapist credential and enroll to bill.

Individuals who do not hold an EI Specialist Developmental Therapist credential on January 1, 2004 must have a bachelors degree or higher in Early Childhood Education, Early Childhood Special Education, Special Education, Special Education: Deaf/Hard of Hearing or Blind/Partially Sighted, Child Development/Family Studies, Early Intervention, Elementary Education, Developmental Psychology, or Social Work; or with a bachelors degree or higher and a full specialist credential in the Early Intervention program; or a current license in art, music, recreation, or other type of therapy, rehabilitative or habilitative in nature, in the state where they provide services to Illinois children; and can document the completion of educational experiences as approved by the Department that include at least 2 semester college hours or the equivalent (30 clock hours or CEU credit hours) in each of the following EI core knowledge content areas: the Development of Young Children; Typical and Atypical; Working with Families of Young Children with

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Disabilities; Intervention Strategies for Young Children with Special Needs; and Assessment of Young Children with Special Needs; and can submit proof of training on the use of a formal assessment tool that would allow the provider to perform global evaluations/assessments may apply for an EI Specialist: Developmental Therapist credential and enroll to bill.

An emergency waiver of educational requirements for developmental therapists may be applied for and must be accompanied by the recommendation of a regional intake entity manager documenting the need for developmental therapy services in the service area. A bachelors degree or higher is required. If approved, the resulting temporary credential will be awarded for a maximum of 18 months. A training plan toward qualification for full credential status must be submitted with the emergency waiver application.

Individuals with a Special Education degree for Deaf and Hard of Hearing may apply for an EI Specialist: Developmental Therapist/Hearing credential and enroll to bill. They may also provide aural rehabilitation services based on their qualifications and experience. (Provider is automatically enrolled under aural rehabilitation category.)

Individuals with (1) a bachelors degree or higher in Orientation and Mobility or (2) a Special Education degree for Blind and Partially Seeing may apply for an EI Specialist: Developmental Therapist/Vision credential and enroll to bill. They may provide Developmental and/or Vision Therapy services related to visual functioning based on their qualifications and experience. (Provider is automatically enrolled under the vision category.)

Individuals with an associates degree in early childhood education or child development who have an EI Associate: Developmental Therapy Assistant temporary credential on July 1, 2003 may apply for full associate credential status if additional training requirements are met. No other new

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temporary or full associate credentials for Developmental Therapy Assistants will be issued. Individuals who have an associate credential will be allowed to submit an application to have their credential renewed no more than two times after July 1, 2003. Associate services are billed under the enrolled supervisor's name.

Evaluation/Assessment

Individuals with a current Early Intervention Specialist credential and who also meet all the following requirements may apply for an Evaluation/Assessment credential:

Documentation of a minimum of three years (full time equivalent) pediatric experience within the Early Intervention Specialist credentialed discipline is required with no less than 20% of that experience related to infants and toddlers between birth and three years of age or the equivalent, with a minimum of one year (full time equivalent) pediatric experience within the Early Intervention Specialist credentialed discipline with no less than 60% of that experience related to infants and toddlers;

Documentation of a minimum of six months pediatric post degree supervision;

Demonstration of competency in using and interpreting a variety of approved assessment tools related to his/her discipline by participating in evaluator specific training;

Demonstration of past work as a member of a service team and agreement to work with the service coordinator, other evaluators, and the family as an effective team member;

Agreement to participate in IFSP meetings as specified in this Part;

Agreement to perform evaluation/assessments and

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present recommendations thereon, that are consistent with DHS early intervention philosophy and best practices, and to provide adequate justification for recommendations based thereon;

Agreement to participate in routine quality assurance and/or early intervention monitoring activities conducted by the Department or its Designee, or the U.S. Department of Education, Office of Special Education Programs;

Agreement to comply with all applicable federal and/or State laws, rules, regulations, policies, provider agreement and procedure and guidelines;

Documentation of attendance at Evaluation/Assessment training as required and provided by the Department.

The expiration date of an Evaluation/Assessment credential will coincide with the Early Intervention Specialist discipline specific credential. Renewal of the Evaluation/Assessment credential is contingent on the successful renewal of the Early Intervention Specialist discipline specific credential.

Family Training and Support

Individuals with a high school diploma or equivalent who are the parent or guardian of a child with special needs and are employed by an entity such as an agency or hospital that provides early intervention services as a Parent Liaison may apply for an EI Parent Liaison credential and enroll to bill. Completion of Parent Liaison Training is required within 90 days after being issued a temporary credential for full credential status and continued enrollment.

Individuals who are bilingual or an interpreter for the deaf may enroll to bill as an interpreter. Upon application for enrollment, the bilingual applicant must identify the languages for which he/she is applying to interpret and/or translate and document completion of Early Intervention

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Systems Training as defined in Section 500.60(f) and ~~Early Intervention approved~~ training for bilingual interpreter/translators as required and provided by the Department and oral and/or written language proficiency ~~demonstrated through using approved~~ testing procedures as required and provided by the Department or through documentation of a nationally recognized certification based upon comparable proficiency testing procedures. Oral and/or written proficiency testing procedures test the language skills of a written translator and oral interpreter for comprehension of the source language and the extent that translated and/or interpreted text/speech conveys the full meaning of the source language. In addition, the proficiency testing for the written translator determines if the translated text is coherent and grammar, punctuation, spelling, syntax, usage and style are appropriate. By ~~January 1, 2009~~September 1, 2008, all enrolled bilingual interpreters must have documented completion of Early Intervention approved training for bilingual interpreters/translators and oral and/or written language proficiency ~~demonstrated through using approved~~ testing procedures as required and provided by the Department or through documentation of a nationally recognized certification based upon comparable proficiency testing procedures to maintain enrollment. Prior to January 1, 2009, interpreters~~Interpreters~~ for the deaf must meet the requirements set forth in the Interpreters for the Deaf Act [225 ILCS 442] and on or after January 1, 2009 must comply with the licensure requirements set forth in the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443] or the licensure, certification or screening requirements in the state where services are provided to children if not in Illinois, and document completion of Early Intervention Systems Training as defined in Section 500.60(f).

Deaf adults who have been certified by Hearing and Vision Connections as a language mentor for the deaf may enroll to bill. Language mentors are not required to obtain a credential

Health Consultation

Physicians with a current license in the state where they

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	<p>provide services to Illinois children may enroll to bill. Physicians are not required to obtain a credential.</p>
Medical Services (Diagnostic/Evaluation Purposes Only)	<p>Physicians with a current license in the state where they provide services to Illinois children may enroll to bill. Physicians are not required to obtain a credential.</p> <p>Individuals on the physician's service team should refer to the service area appropriate to their discipline for credentialing requirements.</p>
Nursing	<p>Registered Nurses with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Nurse credential and enroll to bill. (Provider is automatically enrolled under nutrition category.)</p>
Nutrition	<p>Licensed Dietitian Nutritionists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Dietitian credential and enroll to bill.</p> <p>Registered Nurses with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Registered Nurse credential and enroll to bill.</p>
Occupational Therapy	<p>Occupational Therapists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Occupational Therapist credential and enroll to bill.</p> <p>Certified Occupational Therapy Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Licensed Certified Occupational Therapy Assistant credential. Associate services are billed under the enrolled supervisor's name.</p>
Physical Therapy	<p>Physical Therapists with a current license in the state where</p>

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they provide Part C EI service to Illinois children may apply for an EI Specialist: Licensed Physical Therapist credential and enroll to bill.

Physical Therapist Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Licensed Physical Therapist Assistant credential. Associate services are billed under the enrolled supervisor's name.

Service Coordination

Individuals with an EI Service Coordination credential on January 1, 2003 and: (1) an EI Specialist credential of any type, (2) a bachelors degree or higher in human services, behavioral science, social science or health related field, (3) a current license as a Registered Nurse, (4) current employment as a service coordinator in a Family Case Management Agency, or (5) an associates degree in human services, education, behavioral science, social science, or health related field plus 2 years of experience working with children birth to 5 to provide intervention services or service coordination in a community agency serving children and families, may apply for renewal of their credential.

Individuals who do not hold an EI Service Coordination credential on January 1, 2003 and with a bachelors degree or higher in human services, behavioral science, social science or health related field or a current license as a Registered Nurse may apply for an EI Service Coordination Credential and enroll as an employee of a Child and Family Connections office. Additional training is required within 90 days after being issued a temporary credential for full credential status and continued enrollment.

Social Services

Social Workers with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Social Worker credential and enroll to bill.

Professional Counselors with a current license in the state

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where they provide services to Illinois children may apply for an EI Specialist: Licensed Professional Counselor credential and enroll to bill.

Unlicensed individuals employed by school districts as School Social Workers who will only be providing services through their school employment may apply for an EI Specialist: School Social Worker credential and enroll to bill.

Graduate students in social work who submit a letter from their graduate school verifying that they are providing social work services in a supervised internship setting in order to complete a comprehensive, culminating training experience prior to granting of a graduate degree in social work may apply for an EI Associate: Social Work Intern credential. Associate services are billed under the enrolled supervisor's name.

Speech Therapy

Speech/Language Pathologists with a current license in the state where they provide services to Illinois children may apply for an EI Specialist: Licensed Speech/Language Pathologist credential and enroll to bill. (Provider is automatically enrolled under aural rehabilitation and speech therapy categories.)

Individuals with a masters in speech-language pathology who are participating in a supervised professional experience and hold a temporary license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Pathologist in supervised professional experience credential. Associate services are billed under the enrolled supervisor's name.

Speech/Language Pathology Assistants with a current license in the state where they provide services to Illinois children may apply for an EI Associate: Speech/Language Therapy Assistant credential. Associate services are billed under the enrolled supervisor's name.

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Transportation

Individuals with an appropriate vehicle registration number, insurance and current driver's license may enroll to bill. Not required to obtain a credential.

Vision

Optometrists or Ophthalmologists with a current license in the state where they provide services to Illinois children may enroll to bill. Not required to obtain a credential.

Individuals with (1) a bachelors degree or higher in Orientation and Mobility or (2) a Special Education degree for Blind and Partially Seeing may apply for an EI Specialist: Developmental Therapist/Vision credential and enroll to bill. They may provide Developmental and/or Vision services related to visual functioning based on their qualification and experience.

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

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- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3) Section Number: 170.420 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements a federal requirement pursuant to the federal Energy Policy Act of 2005. Pursuant to a USEPA clarification of its guidance for State underground storage tank system (UST) regulatory programs receiving federal funding, European Suction UST piping systems are not exempt from the requirement for under-dispenser containment for new and replaced tanks and piping and this rulemaking deletes that exemption for those systems.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: Portions of the federal Energy Policy Act of 2005, Public Law 109-58, and a USEPA guidance document entitled *Grant Guidelines to States for Implementing the Secondary Containment Provision of the Energy Policy Act of 2005* (USEPA, Nov. 2006), were reviewed and in part relied upon in promulgating these amendatory rules. Both of these are posted on the USEPA web site at www.epa.gov/oust and are also available in the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703
- 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>
170.421	Amendment	32 Ill. Reg. 14924; September 19, 2008
170.530	Amendment	32 Ill. Reg. 14924; September 19, 2008

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170.540	Amendment	32 Ill. Reg. 14924; September 19, 2008
170.541	Amendment	32 Ill. Reg. 14924; September 19, 2008

- 11) Statement of Statewide Policy Objectives: This rulemaking could have a minor impact on local government to the extent that local government units might own or operate an underground storage tank system that utilizes European Suction piping.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Shelly Bradley, Manager
Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Telephone: 217/557-3131
Facsimile: 217/524-9284

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could have a minor impact on those small businesses, not for profit entities, and small municipalities that own and operate underground storage tank systems (USTs) that utilize European Suction piping systems. Those under-dispenser containment requirements that are new to the Illinois UST program and imposed by this rulemaking do not apply to existing USTs that are otherwise in compliance with the rules of the Office of the State Fire Marshal, but only to new installations and to new upgrades.
- B) Reporting, bookkeeping or other procedures required for compliance: Underground storage tank system installations and upgrades have various reporting and permitting requirements as described in 41 Ill. Adm. Code 170. Typically the contractor obtains the permit on behalf of the owner/operator.
- C) Types of Professional skills necessary for compliance: Must ensure that all persons installing and doing work on underground storage tank systems have been trained appropriately and licensed by the Office of the State Fire Marshal.

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14) Regulatory Agenda on which this rulemaking was summarized: None

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

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM
AND OTHER REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited (Repealed)
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks (Repealed)
170.41	Location (Repealed)
170.50	Material and Construction of Tanks (Repealed)
170.60	Venting of Tanks (Repealed)
170.65	Underground Tank Installations (Repealed)
170.70	Fill Pipes (Repealed)
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72	Late Registration Fee (Repealed)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks (Repealed)
170.80	Unloading Operations
170.90	Pumps (Repealed)
170.91	Labeling of Containers and Pumps
170.100	Piping (Repealed)
170.105	Approval of Plans (Repealed)
170.106	Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107	Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
170.108	Pressure Testing (Repealed)
170.110	Building
170.115	Safe Heat Required
170.120	No Flammable or Combustible Liquids Within Building – Exception
170.130	Greasing Pits
170.140	Wash and Greasing Rooms

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- 170.145 Fire Extinguishers
- 170.150 Self-Service – No Self-Service Without Permit; Procedures and Regulations
- 170.160 Care and Attendance
- 170.170 Fire Extinguishers (Repealed)
- 170.180 Sale of Fireworks
- 170.190 Approval of Plans (Repealed)
- 170.200 Defective Equipment
- 170.210 Deliveries from Portable Tanks Restricted
- 170.211 Dispensing or Delivery of Flammable or Combustible Motor Fuels from Tank Vehicles
- 170.212 Requirements for Permit to Fuel Motor Vehicles from Portable Tank Trucks and Tank Wagons
- 170.310 Unattended Self-Service Other Than Fleet Operations

SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

- Section
- 170.400 Definitions
- 170.410 Incorporations by Reference
- 170.411 USTs Out of Service
- 170.412 Delegation of Authority to Enforce UST Rules and Regulations
- 170.420 Design, Construction, Installation, Upgrade Procedures and Notification of UST Systems
- 170.421 Piping
- 170.422 Clearance Required for Underground Storage Tanks
- 170.423 Pressure Testing of Existing Tanks or Lines
- 170.424 Venting of Tanks
- 170.425 Fill Pipes
- 170.426 Pumps
- 170.427 Defective or Non-Compliant Equipment
- 170.428 General Requirements for UST Fuel Dispensing Systems
- 170.429 Unloading Operations
- 170.430 Interior Lining and Lining Inspection of UST Systems
- 170.431 Limitation on Interior Lining of USTs (Repealed)
- 170.440 Notification Requirements for Purposes of UST Registration
- 170.441 Payment of 1988 Annual UST Fee
- 170.442 UST Registration Fees
- 170.450 Owner/Operator Spill and Overfill Release Control Responsibilities
- 170.460 Corrosion Protection

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170.470	UST Compatibility with Product Stored
170.480	Repairs Allowed
170.481	Emergency Repairs
170.490	Reporting and Recordkeeping
170.500	General Release Detection Requirements for All UST Systems
170.510	Release Detection Requirements for Petroleum UST Systems (Repealed)
170.520	Release Detection Requirements for Hazardous Substance UST Systems
170.530	Methods and Requirements of Release Detection for Tanks
170.540	Methods and Requirements of Release Detection for Piping
170.541	Installer, Repairer, Liner or Remover of USTs and Obtaining Permits
170.542	Site Plans
170.543	Notification and Establishment of Time Certain and Date Certain for Underground Storage Tank Activity
170.544	Tester of Underground Storage Tanks, Cathodic Protection and UST Equipment
170.545	USTs Inside or Under Buildings
170.546	UST Restrictions at Service Stations
170.550	Release Detection and Cathodic Protection Recordkeeping
170.560	Reporting of Suspected Releases
170.570	Investigation Due to Off-Site Impacts (Repealed)
170.580	Release Investigation Reporting, Site Assessment, Initial Response
170.590	Reporting and Cleanup of Spills and Overfills
170.600	Initial Response for UST Systems Containing Petroleum or Hazardous Substances (Repealed)
170.610	Initial Abatement Measures and Site Assessment
170.620	Temporary Out-of-Service Status for UST Systems (Repealed)
170.630	Change-in-Service of UST Systems
170.640	Assessing the Site at Removal of, Previously Removed, or Change-in-Service of, UST Systems
170.650	Applicability to Previously Removed UST Systems (Repealed)
170.660	Removal or Change-in-Service Records
170.670	Removal or Abandonment-in-Place of Underground Storage Tanks
170.672	Pre-'74 and Heating Oil USTs

SUBPART C: UNDERGROUND STORAGE TANKS –
FINANCIAL RESPONSIBILITY REQUIREMENTS

Section	
170.700	Definitions
170.705	Incorporation by Reference

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170.710	Applicability
170.720	Amount
170.730	Mechanisms of Financial Responsibility
170.740	Proof of Financial Responsibility
170.750	Substitution of Financial Responsibility Mechanisms by an Owner or Operator
170.760	Cancellation or Non-Renewal by a Provider of Financial Assurance
170.770	Reporting by Owner or Operator
170.780	Recordkeeping
170.790	Release from the Requirements
170.795	Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance

SUBPART D: UNDERGROUND STORAGE TANKS –
ADMINISTRATIVE PROCEDURE RULES FOR ORDERS ISSUED BY
THE DIVISION OF PETROLEUM AND CHEMICAL SAFETY

Section	
170.800	Definitions
170.810	Grounds and Time for Appeal
170.820	Notice of Hearing
170.830	Appearances
170.840	Official Notice
170.850	Authority of Hearing Officer
170.860	Evidence to be Presented by the Owner to Object to the Denial or Revocation of the Registration of an Underground Storage Tank (UST) (Repealed)
170.870	Briefs
170.880	Transcripts
170.890	Order of the State Fire Marshal
170.900	Authority to Enforce Administrative Orders and Assess Fines
170.910	Suspension or Revocation of the License of a Contractor and Assessment of Fines Against a Contractor or Employee of a Contractor for Violations of Subpart B or E
170.920	Assessment of Fines Against Non-Contractors for Violations of Subpart B
170.930	Assessment of Fines Against an Owner, Operator or Provider for Violations of Subpart C
170.940	Hearing Officer Guidelines for Suspension, Revocation or Assessment of Fines

SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

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Section

170.1000	Definitions
170.1100	Contractor Licensing
170.1200	Contractor and Employee Certification
170.1300	Possession of OSHA Identification Cards by Certified Individual Contractors and Certified Employees of Contractors
170.APPENDIX A	Checklist for Underground Storage Tank Installation (Repealed)
170.APPENDIX B	Checklist for Underground Storage Tank Reline (Repealed)
170.APPENDIX C	Checklist for Underground Storage Tank Removals (Repealed)
170.APPENDIX D	Checklist for Abandonment-in-Place of Underground Storage Tanks (Repealed)
170.APPENDIX E	Guidelines for Marinas
170.APPENDIX F	Required Job Schedule for Cathodic Protection Upgrade (Repealed)
170.APPENDIX G	Required Job Schedule for Underground Piping Upgrade (Repealed)
170.APPENDIX H	Required Job Schedule for Underground Storage Tank Installation (Repealed)
170.APPENDIX I	Required Checklist for Underground Storage Tank System Upgrade (Repealed)
170.TABLE A	Schedule for Phase-In of Release Detection
170.TABLE B	Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency expired June 25, 1983; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; emergency expired November 26, 1984; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency expired June 1, 1986; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; emergency expired November 29, 1986; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781,

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effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. 8945, effective July 15, 1997; amended at 22 Ill. Reg. 21339, effective December 1, 1998; amended at 24 Ill. Reg. 12462, effective August 1, 2000; amended at 25 Ill. Reg. 9015, effective July 5, 2001; amended at 27 Ill. Reg. 8164, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 8311, effective May 2, 2003, for a maximum of 150 days; emergency expired September 28, 2003; amended at 32 Ill. Reg. 1428, effective February 1, 2008; emergency amendment at 32 Ill. Reg. 15100, effective September 8, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. _____, effective _____.

SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

Section 170.420 Design, Construction, Installation, Upgrade Procedures and Notification of UST Systems

- a) Tanks. Any newly installed or replaced underground tank shall be of double-wall construction and equipped with interstitial monitoring that meets the applicable requirements of Section 170.530(g) and 40 CFR 280.43(g) for all permits issued February 1, 2008 and after.
- b) Each tank shall be properly designed, constructed and installed, and any portion underground that routinely contains product shall be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as follows:
 - 1) The tank is constructed of fiberglass-reinforced plastic. (The following industry codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (b)(1): UL 1316; UL Canada Standard CAN4-S615; or ASTM D 4021-92.) To prevent penetration of the tank bottom, all non-metallic tanks shall be equipped with steel striker plates on the tank bottom immediately below any opening which might be used for taking dipstick measurements.
 - 2) The tank is constructed of steel and cathodically protected (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (b)(2): STI-P3; UL Canada Standard CAN4-S603, CAN4-S603.1 and CAN4-S631; NACE RPO285; or UL 58.)

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in the following manner:

- A) Metallic tanks shall be thoroughly coated on the outside with suitable rust-resisting dielectric material.
 - B) All field-installed cathodic protection systems shall be designed by a corrosion expert.
 - C) New impressed current systems shall be designed to allow determination of the systems' operating status by means of permanently installed lights and gauges as required in Section 170.460. Existing impressed current systems must meet these requirements on or before November 1, 2003.
 - D) Cathodic protection systems are operated and maintained in accordance with Section 170.460.
- 3) Steel tanks shall be set on firm foundations and surrounded with at least 12 inches of non-corrosive inert material such as clean sand or gravel, well-tamped in place. The tank shall be placed in the hole with care, since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank or scrape off the protective coating of coated tanks.
- 4) Steel tanks shall be covered with a minimum of three feet of earth. USTs existing on October 1, 1985 shall have been buried so that the tops of the tanks will not be less than two feet below the surface of the ground or shall be under at least 12 inches of earth and a slab of reinforced concrete not less than four inches in thickness; the slab shall be set on a firm, well-tamped earth foundation and shall extend at least one foot beyond the outline of the tank in all directions. When asphaltic or reinforced paving is used as part of the protection, it shall extend at least one foot horizontally beyond the outline of the tank in all directions.
- 5) Either:
- A) The tank is constructed of a steel-fiberglass-reinforced plastic composite (The following industry codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (b)(5): Act-100 or UL 1746.); or

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- B) The tank construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health or the environment than subsections (b)(1) and (2) of this Section. Before the installation of any such tank, its construction and corrosion protection shall be submitted to the Office in writing and is subject to written approval by the Office.
- 6) Re-certified tanks may satisfy the requirements of subsections (b)(1) and (2) of this Section; however, written proof of such re-certification shall be submitted to the Office of the State Fire Marshal and STSS. Re-certified tanks must be reinstalled within 6 months after removal or re-certification, whichever is sooner. Re-certified tanks must have a warranty remaining for at least 5 years. Re-certifications must be conducted by a member of the Steel Tank Institute, Fiberglass Tank Institute, or the original tank manufacturer.
- c) Spill and overfill prevention equipment.
- 1) To prevent spilling and overfilling associated with product transfer to the UST system, owners or operators shall use the following spill and overfill prevention equipment:
- A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (e.g., a spill catch basin). New or replaced spill prevention equipment must have a minimum 5 gallon capacity and be maintained in a dry, clean state; and
- B) Overfill prevention equipment that:
- i) Automatically shuts off flow into the tank when the tank is no more than 95 percent full;
- ii) Alerts the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

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- iii) Provides alternative methods that are no less restrictive than Subpart A or B and no less protective of human health or the environment, as approved in writing by the Office of the State Fire Marshal.
 - C) Float vent valves for overfill prevention shall not be allowed on any type suction system.
- 2) Owners or operators are not required to use the spill and overfill prevention equipment specified in subsections (c)(1)(A) and (B), if:
 - A) Alternative equipment is used that is determined by the Office of the State Fire Marshal in writing to be no less protective of human health or the environment than the equipment specified in subsections (c)(1)(A) and (B).
 - B) The UST system is filled by transfers of no more than 25 gallons at one time, but shall have spill containment.
- d) Installation tank, piping and upgrade procedures.
 - 1) Excavation for USTs shall be made with due care to avoid undermining of foundations of existing structures. All USTs under buildings shall be located with respect to existing building foundations and supports so that the loads carried by the latter cannot be transmitted to the tank.
 - 2) All tanks and piping shall be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. (Tank and piping system installation practices and procedures described in the following codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (d)(2): API Recommended Practice 1615; PEI Publication RP100; or ANSI B31.3 and B31.4.)
 - 3) Metallic tanks shall not be surrounded or covered by cinders or other material of corrosive effect. Corrosion protection shall be provided in accordance with Section 2-3.3 of NFPA 30, incorporated by reference in

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Section 170.410, where soil resistivity is 10,000 ohm-centimeters or less. Such corrosion protection shall be in accordance with API 1615, incorporated by reference in Section 170.410.

- 4) Secure proper permitting and job schedules for installation, piping or upgrades and obtain a stamped acknowledgement from the OSFM.
- 5) Conduct on-site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.
- 6) Provide equipment with sufficient lifting capacity to unload and place USTs into the tank excavation. Tanks shall not be rolled, dropped or dragged.
- 7) Upon delivery at the installation site, tanks and piping shall be inspected to detect any evidence of damage to coatings or structure.
- 8) Upon discovery of any damage to tanks or piping, repairs shall be in accordance with manufacturer's instructions or supervision.
- 9) Prepare excavations to ensure safe movement of equipment and materials. Excavations shall provide adequate space for the installation of tanks, piping and ancillary equipment. Special attention shall be given to sloping, benching, stepping or shoring the sides of the excavation to make it stable.
- 10) Conduct Date and Time Certain inspection by OSFM personnel for testing USTs before installation, as per manufacturer's recommended procedures.
- 11) To prevent flotation of USTs as a result of high water table or flooding, approved anchorage methods or ballasting shall be installed.
- 12) Pipe trenches shall meet manufacturer's specifications and API 1615 Section 10.3.1 for depth, width, slope, spacing and placement of pipe within.
- 13) Pipe installation shall meet manufacturer's specifications and API 1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet

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manufacturer's requirements for petroleum products, including ethanol or methanol blended gasoline.

- 14) OSFM personnel may conduct Date and Time Certain air test of pipe installation and examine any corrosion protection before backfilling of pipe trenches.
- 15) Wiring of electric pumps and all electrical equipment in connection therewith shall conform to NFPA 70.
- 16) After all work has been completed and the system has been put into service, OSFM personnel may conduct a Date and Time Certain final inspection. This inspection will be conducted on the UST installation, leak detection equipment, spill and overfill equipment and the electrical system. The completed Notification of Underground Storage Tanks form will be ready to present to the OSFM STSS during the final inspection.
- 17) Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner as applicable. The contractor shall maintain a copy of the checklist.
- 18) There shall be a minimum of two manufactured slotted or perforated observation wells of at least 4" diameter installed in each new tank field of tanks larger than 1,000 gallons and one well for 1,000 gallon tanks or less and shall have two wells for fields with more than one tank. They shall be placed at opposite ends or opposite corners 1 foot below the invert elevation of lowest UST. Lids shall be securely protected against unauthorized activities. Only one well will be required if groundwater flow direction can be proven and such proof is supplied at the time of permitting and the well is then installed in the downstream location.
- 19) Containments – submersible and dispensers.
 - A) A tank containment sump must be installed at the tank on all new tanks with submersible pumps or American suction piping systems. European suction systems are not required to have [this](#) containment.

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- B) Under-dispenser containment must be installed on all new dispenser installations where there previously was no dispenser.
- C) When an existing dispenser is removed and replaced with another dispenser and equipment used to connect the dispenser to the UST is replaced, under-dispenser containment is required. This equipment may include flex connectors or risers or other transitional components that are beneath the dispenser and connect the dispenser to the piping. ~~European suction systems are not required to have containment.~~
- D) If more than 20' or 50% of a pipe run is replaced, the containments required in subsections (d)(19)(A) and (B) are required.
- E) If an OSFM STSS observes water in a sump and it is in contact with bare metal piping including flex connectors, then corrosion protection must be installed on the metal piping in accordance with Section 170.460 or the sump shall be replaced. In the event the sump is not replaced, the water shall be removed and the sump shall be made water-tight.
- F) A hydrostatic test will be performed on all containment installations as follows (hydrostatic testing does not apply to piping):
- i) All penetrations must be completed prior to testing, including electrical.
 - ii) Containment is to be filled with water to a height that covers the highest penetration by 2".
 - iii) Containment is not to be backfilled (backfilling is allowed for support of containment sump, but not to be installed around the sides of the sump) prior to test.
 - iv) Test duration is 30 min. and performed under PAI Time and Date Certain requirements with no drop in water level.

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- 20) All repairs, installations, upgrades and maintenance of UST systems shall be done in accordance with manufacturer's recommended procedures.
 - 21) Any installation work performed in or around the excavation area must stop at sunset unless adequate lighting is provided.
- e) Certification of installation.
- 1) Contractors shall certify on the UST notification form that:
 - A) The installer has been certified or licensed by the Office of the State Fire Marshal.
 - B) The installation has been approved by the Office of the State Fire Marshal.
 - C) All work listed in the manufacturer's installation checklist has been completed, if applicable.
 - D) All applicable Office of the State Fire Marshal installation requirements, as contained in this Part, have been completed. [UpgradesUpgrade](#) are to follow the appropriate Section of the installation guidelines.
 - E) Contractors shall certify on the UST notification form in accordance with Section 170.440(f) that the installer has been certified by the tank and piping manufacturers, if applicable.

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

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2. National Ambient Air Quality Standards for Particulate Matter, 62 Fed. Reg. 38652, July 18, 1997 (PM_{2.5} Standards).
3. Air Quality Designations and Classifications for Fine Particles (PM_{2.5}) National Ambient Air Quality Standards, 70 Fed. Reg. 943, January 5, 2005.
4. 8-hour Ozone National Ambient Air Quality Standards, 69 Fed. Reg. 23858, April 30, 2004.
5. Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard, 70 Fed. Reg. 71612, November 29, 2005.
6. Clean Air Fine Particle Implementation; Final Rule, 40 CFR 51, April 25, 2007.
7. Controlling Nitrogen Oxides Under the Clean Air Act: A Menu of Options, July 1994, State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials.
8. Alternative Control Techniques Document – NO_x Emissions from Stationary Reciprocating Internal Combustion Engines EPA-453/R-93-032, July 1993, USEPA, OAQPS, RTP, NC 27711.
9. Alternative Control Techniques Document – NO_x Emissions from Stationary Gas Turbines, EPA-453/R-93-007, January 1993, USEPA, OAQPS, Research Triangle Park, NC 27711
10. Stationary Reciprocating Internal Combustion Engines, Updated Information on NO_x Emissions and Control Techniques, Revised Final Report, EPA Contract No. 68-D-026, Work Assignment No. 2-28, EC/R Project No. ISD-228, September 1, 2000.
11. Texas Administrative Code. Title 30, Rule 106.512: Stationary Engines and Turbines
12. Indiana Department of Environmental Management, Office of Air Quality, Section 9.326 IAC 10-5. Rule 5 Nitrogen Oxide Reduction Program for Internal Combustion Engines (ICE).

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13. Document Prepared by the State of Connecticut, Department of Environmental Protection. Sec. 22a-174-22 Control of Nitrogen Oxides Emissions.
 14. Alabama Department of Environmental Management, Air Division, Chapter 335-3-8, Nitrogen Oxides Emissions.
 15. New York State, Department of Environmental Conservation Rule and Regulations, Subpart 227.2, Reasonable Available Control Technology (RACT) for Oxides of Nitrogen (NO_x).
 16. New Jersey State Department of Environmental Protection, New Jersey Administrative Code Title 7, Chapter 27, Subchapter 19: Control and Prohibition of Air Pollution from Oxides of Nitrogen.
 17. Pennsylvania Department of Environmental Protection, Air Quality Regulations, Small Source of NO_x Cement Kilns and Large Internal Combustion Engines, 25 PA Code CHS 121,129 and 145.
 18. Code of Maryland Regulations. Title 26 Department of the Environment. Subtitle 11 Air Quality, Chapter 09: Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installation.
 19. Antelope Valley Air Quality Management District. Rule 1110.2: Emissions from Stationary, Non-Road & Portable Internal Combustion Engines.
 20. San Joaquin Valley Unified Air Pollution Control District Rule 4702: Internal Combustion Engines – Phase 2.
 21. El Dorado County Air Pollution Control District Rule 233: Stationary Internal Combustion Engines.
 22. Interstate Ozone Transport: Response to Court Decisions on the NO_x SIP Call, NO_x SIP Call Technical Amendments, and Section 126 Rules; Final Rule. 69 Fed. Reg. 21603, April 21, 2004.
 23. South Coast Air Quality Management District, Rule 1134 – Emissions of Oxides of Nitrogen from Stationary Gas Turbines.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 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 proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: 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 R07-19 and be addressed to:

John Therriault, Chief Clerk
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.

- 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: The proposed rulemaking requires the owner or operator of an affected source to perform emissions monitoring, complete required tests, and maintain records and reports.
- 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 sources will be required.

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14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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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

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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

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- 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

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- 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. _____, effective _____.

SUBPART C: PROHIBITIONS

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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;

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- 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

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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;

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- 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

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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,

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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 refinishing;
- 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 operated;
- 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;

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- 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;

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- 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;

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- 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

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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

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- 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. ____, effective _____)

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3)

<u>Section Number</u> : 211.1920	<u>Proposed Action</u> : Amend
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- 4) Statutory Authority: Implementing Sections 10, 39, and 39.5 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, 39, and 39.5]
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed discussion of these amendments, see the Board's September 16, 2008 opinion and order in docket R07-19: 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 201.146 and Parts 211 and 217. After filing its original rulemaking on April 6, 2007, the Illinois Environmental Protection Agency (Agency) on December 20, 2007 filed a motion to proceed with an amended proposal. In an order dated January 10, 2008, the Board granted that motion.

In its motion to proceed with an amended proposal, the Agency indicated that it intended to control NO_x emissions from engines and turbines located at 100 ton per year sources located in the Greater Chicago and Metro East/St. Louis nonattainment areas with a capacity of 500 brake horsepower (bhp) or 3.5 megawatts (MW). In its motion to proceed with an amended proposal, the Agency stated that its proposed 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}).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Agency's motion to proceed with an amended proposal included the Agency's *Amended Technical Support Document for Controlling NO_x Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines R07-19* (TSD), which relied on several published studies and reports. Copies of the reports that the IEPA relied upon are available for review at the Board's Chicago office, and are listed below.
 1. National Ambient Air Quality Standards for Ozone, 62 Fed. Reg. 38855, July 18, 1997 (Ozone Standards).

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2. National Ambient Air Quality Standards for Particulate Matter, 62 Fed. Reg. 38652, July 18, 1997 (PM_{2.5} Standards).
3. Air Quality Designations and Classifications for Fine Particles (PM_{2.5}) National Ambient Air Quality Standards, 70 Fed. Reg. 943, January 5, 2005.
4. 8-hour Ozone National Ambient Air Quality Standards, 69 Fed. Reg. 23858, April 30, 2004.
5. Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard, 70 Fed. Reg. 71612, November 29, 2005.
6. Clean Air Fine Particle Implementation; Final Rule, 40 CFR 51, April 25, 2007.
7. Controlling Nitrogen Oxides Under the Clean Air Act: A Menu of Options, July 1994, State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials.
8. Alternative Control Techniques Document--NO_x Emissions from Stationary Reciprocating Internal Combustion Engines EPA-453/R-93-032, July 1993, USEPA, OAQPS, RTP, NC 27711.
9. Alternative Control Techniques Document – NO_x Emissions from Stationary Gas Turbines, EPA-453/R-93-007, January 1993, USEPA, OAQPS, Research Triangle Park, NC 27711
10. Stationary Reciprocating Internal Combustion Engines, Updated Information on NO_x Emissions and Control Techniques, Revised Final Report, EPA Contract No. 68-D-026, Work Assignment No. 2-28, EC/R Project No. ISD-228, September 1, 2000.
11. Texas Administrative Code. Title 30, Rule 106.512: Stationary Engines and Turbines
12. Indiana Department of Environmental Management, Office of Air Quality, Section 9.326 IAC 10-5. Rule 5 Nitrogen Oxide Reduction Program for Internal Combustion Engines (ICE).

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13. Document Prepared by the State of Connecticut, Department of Environmental Protection. Sec. 22a-174-22 Control of Nitrogen Oxides Emissions.
 14. Alabama Department of Environmental Management. Air Division, Chapter 335-3-8, Nitrogen Oxides Emissions.
 15. New York State, Department of Environmental Conservation Rule and Regulations, Subpart 227.2, Reasonable Available Control Technology (RACT) for Oxides of Nitrogen (NO_x).
 16. New Jersey State Department of Environmental Protection, New Jersey Administrative Code Title 7, Chapter 27, Subchapter 19: Control and Prohibition of Air Pollution from Oxides of Nitrogen.
 17. Pennsylvania Department of Environmental Protection, Air Quality Regulations, Small Source of NO_x Cement Kilns and Large Internal Combustion Engines, 25 PA Code CHS 121,129 and 145.
 18. Code of Maryland Regulations. Title 26 Department of the Environment. Subtitle 11 Air Quality, Chapter 09: Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installation.
 19. Antelope Valley Air Quality Management District. Rule 1110.2: Emissions from Stationary, Non-Road & Portable Internal Combustion Engines.
 20. San Joaquin Valley Unified Air Pollution Control District Rule 4702: Internal Combustion Engines – Phase 2.
 21. El Dorado County Air Pollution Control District Rule 233: Stationary Internal Combustion Engines.
 22. Interstate Ozone Transport: Response to Court Decisions on the NO_x SIP Call, NO_x SIP Call Technical Amendments, and Section 126 Rules; Final Rule. 69 Fed. Reg. 21603, April 21, 2004.
 23. South Coast Air Quality Management District, Rule 1134 – Emissions of Oxides of Nitrogen from Stationary Gas Turbines.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 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, in R08-19 (In the Matter of: Nitrogen Oxides Emissions from Various Source Categories: Amendments to 35 Ill. Adm. Code Parts 211 and 217)
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: 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 R07-19 and be addressed to:

John Therriault, Chief Clerk
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.

- 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: The proposed rulemaking requires the owner or operator of an affected source to perform emissions monitoring, complete required tests, and maintain records and report as required.

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- 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 sources will be required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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NOTICE OF PROPOSED 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

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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

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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

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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)

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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

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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

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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)

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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

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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

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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

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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
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211.6130	Source
211.6140	Specialty Coatings
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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

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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
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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

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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.

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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. _____, effective _____.

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.

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- 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. _____, effective _____)

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
217.386	Amend
217.388	Amend
217.390	Amend
217.392	Amend
217.394	Amend
217.396	Amend
- 4) Statutory Authority: Implementing Sections 10, 39, and 39.5 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, 39, and 39.5]
- 5) A Complete Description of the Subjects and Issues Involved: For a more detailed discussion of these amendments, see the Board's September 16, 2008 opinion and order in docket R07-19: 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 201.146 and Parts 211 and 217. After filing its original rulemaking proposal on April 6, 2007, the Illinois Environmental Protection Agency (Agency) on December 20, 2007 filed a motion to proceed with an amended proposal. In an order dated January 10, 2008, the Board granted that motion.

In its motion to proceed with an amended proposal, the Agency indicated that it intended to control NO_x emissions from engines and turbines located at 100 ton per year sources located in the Greater Chicago and Metro East/St. Louis nonattainment areas with a capacity at or greater than 500 brake horsepower (bhp) or 3.5 megawatts (MW). The Agency stated that its proposed regulations would help Illinois to meet Clear 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}).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Agency's motion to proceed with an amended proposal included the IEPA's Amended Technical Support Document for Controlling NO_x Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines R07-19I (TSD), which relied on several published studies and reports. Copies of the reports that the IEPA relied upon are available for review at the Board's Chicago office, and are listed below.

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1. National Ambient Air Quality Standards for Ozone, 62 Fed. Reg. 38855, July 18, 1997 (Ozone Standards).
2. National Ambient Air Quality Standards for Particulate Matter, 62 Fed. Reg. 38652, July 18, 1997 (PM_{2.5} Standards).
3. Air Quality Designations and Classifications for Fine Particles (PM_{2.5}) National Ambient Air Quality Standards, 70 Fed. Reg. 943, January 5, 2005.
4. 8-hour Ozone National Ambient Air Quality Standards, 69 Fed. Reg. 23858, April 30, 2004.
5. Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard, 70 Fed. Reg. 71612, November 29, 2005.
6. Clean Air Fine Particle Implementation; Final Rule, 40 CFR 51, April 25, 2007.
7. Controlling Nitrogen Oxides Under the Clean Air Act: A Menu of Options, July 1994, State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials.
8. Alternative Control Techniques Document – NO_x Emissions from Stationary Reciprocating Internal Combustion Engines EPA-453/R-93-032, July 1993, USEPA, OAQPS, RTP, NC 27711.
9. Alternative Control Techniques Document – NO_x Emissions from Stationary Gas Turbines, EPA-453/R-93-007, January 1993, USEPA, OAQPS, Research Triangle Park, NC 27711
10. Stationary Reciprocating Internal Combustion Engines, Updated Information on NO_x Emissions and Control Techniques, Revised Final Report, EPA Contract No. 68-D-026, Work Assignment No. 2-28, EC/R Project No. ISD-228, September 1, 2000.
11. Texas Administrative Code. Title 30, Rule 106.512: Stationary Engines and Turbines

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12. Indiana Department of Environmental Management, Office of Air Quality, Section 9.326 IAC 10-5. Rule 5 Nitrogen Oxide Reduction Program for Internal Combustion Engines (ICE).
13. Document Prepared by the State of Connecticut, Department of Environmental Protection. Sec. 22a-174-22 Control of Nitrogen Oxides Emissions.
14. Alabama Department of Environmental Management. Air Division, Chapter 335-3-8, Nitrogen Oxides Emissions.
15. New York State, Department of Environmental Conservation Rule and Regulations, Subpart 227.2, Reasonable Available Control Technology (RACT) for Oxides of Nitrogen (NO_x).
16. New Jersey State Department of Environmental Protection, New Jersey Administrative Code Title 7, Chapter 27, Subchapter 19: Control and Prohibition of Air Pollution from Oxides of Nitrogen.
17. Pennsylvania Department of Environmental Protection, Air Quality Regulations, Small Source of NO_x Cement Kilns and Large Internal Combustion Engines, 25 PA Code CHS 121,129 and 145.
18. Code of Maryland Regulations. Title 26 Department of the Environment. Subtitle 11 Air Quality, Chapter 09: Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installation.
19. Antelope Valley Air Quality Management District. Rule 1110.2: Emissions from Stationary, Non-Road & Portable Internal Combustion Engines.
20. San Joaquin Valley Unified Air Pollution Control District Rule 4702: Internal Combustion Engines – Phase 2.
21. El Dorado County Air Pollution Control District Rule 233: Stationary Internal Combustion Engines.
22. Interstate Ozone Transport: Response to Court Decisions on the NO_x SIP Call, NO_x SIP Call Technical Amendments, and Section 126 Rules; Final Rule. 69 Fed. Reg. 21603, April 21, 2004.

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23. South Coast Air Quality Management District, Rule 1134 – Emissions of Oxides of Nitrogen from Stationary Gas Turbines.
- 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 proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? Yes, in R08-19 (In the Matter of: Nitrogen Oxides Emissions from Various Source Categories: Amendments to 35 Ill. Adm. Code Parts 211 and 217)
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: 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 R07-18 and be addressed to:
- John Therriault, Chief Clerk
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.
- 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: The proposed rulemaking requires the owner or operator of an affected source to

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perform emissions monitoring, complete required tests, and maintain records and reports

- 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 sources will be required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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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

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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

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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

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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
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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
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SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section

217.800 Purpose

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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
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217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
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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. _____, effective _____.

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section 217.386 Applicability

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- 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) 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

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- 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 control 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. _____, effective _____)

Section 217.388 Control and Maintenance Requirements

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 (d) of this Section and comply with one of the following: either the applicable emissions concentration as set forth in subsection (a) of this Section, ~~or~~ the requirements for an emissions averaging plan as specified in subsection (b) of this Section, or the requirements for operation as a low usage unit as specified in subsection (c) of this Section.

- a) The owner or operator ~~limits must limit~~ the discharge from an affected unit into the atmosphere of any gases that contain NO_x to no more than:
- 1) 150 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited rich-burn engines;

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- 2) 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;
 - 3) 365 ppmv (corrected to 15 percent O₂ on a dry basis) for existing spark-ignited Worthington engines that are not listed in Appendix G;
 - 4) 660 ppmv (corrected to 15 percent O₂ on a dry basis) for diesel engines;
 - 5) 42 ppmv (corrected to 15 percent O₂ on a dry basis) for gaseous fuel-fired turbines; and
 - 6) 96 ppmv (corrected to 15 percent O₂ on a dry basis) for liquid fuel-fired turbines.
- b) The owner or operator ~~complies~~must comply with an emissions averaging plan as provided for in either subsection (b)(1) or (b)(2) of this Section:
- 1) 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-
 - 2) For units identified in Section 217.386(a)(2): 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.
- c) The owner or operator operates the affected unit as a low usage unit pursuant to subsection (c)(1) or (c)(2) of this Section. Low usage units are not subject to the requirements of this Subpart Q except for the requirements to inspect and maintain the unit pursuant to subsection (d) of this Section, and retain records pursuant to Section 217.396(b) and (d). Either the limitation in subsection (c)(1) or (c)(2) may be utilized at a source, but not both:
- 1) 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

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requirements of subsection (a) or (b) of this Section, and the NO_x PTE limit is contained in a federally enforceable permit; or

- 2) 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) or (b) of this Section, are less than or equal to the bhp-hrs and MW-hrs operation limit listed in subsections (c)(2)(A) and (c)(2)(B) of this Section. For units that drive a natural gas compressor station but that are not located at a natural gas compressor station or storage facility, the operation limits of subsections (c)(2)(A) and (c)(2)(B) of this Section must be contained in a federally enforceable permit. The operation limits are:

A) 8 mm bhp-hrs or less on an annual basis for engines; and

B) 20,000 MW-hrs or less on an annual basis for turbines.

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

- 1) For a unit not located at natural gas transmission compressor station or storage facility, either:
- A) The manufacturer's recommended inspection and maintenance of the applicable air pollution control equipment, monitoring device, and affected unit; or
- B) If the original equipment manual is not available or substantial modifications have been made that require an 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.
- 2) 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.

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

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:
- i) Listed in Appendix G and located at a single source or at multiple sources in Illinois, 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) Identified in Section 217.386(a)(2), and located at a single source or at multiple sources in either the Chicago area counties or Metro-East area counties, 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; and
- C) Units which the owner or operator may 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.
- 2) The following types of units may not be included in an emissions averaging plan:

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- A) Units that commence operation after January 1, 2002, unless the unit replaces an engine or turbine that commenced operation on or before January 1, 2002, or it replaces an engine or turbine that replaced a unit that commenced operation on or before January 1, 2002. The new unit must be used for the same purpose as the replacement unit. The owner or operator of a unit that is shutdown and replaced must comply with the provisions of Section 217.396(~~cd~~)(3) before the replacement unit may be included in an emissions averaging plan.
- B) Units which the owner or operator is claiming are exempt pursuant to Section 217.386(b) or as low usage units pursuant to Section 217.388(c).
- 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:
- A+) 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;

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- 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 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, 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(c).
- 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), ~~(e), or~~ ~~(d)~~ of this Section; the higher of the monitoring or test data determined

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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:

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

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.

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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:

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

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

- 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.

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- H = Heat input (mmBtu/ozone season or mmBtu/year) calculated from fuel flow meter and the heating value of the fuel used.
- $C_{d(\text{act})}$ = Actual concentration of NO_x in lb/dscf ($\text{ppmv} \times 1.194 \times 10^{-7}$) 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.
- $C_{d(\text{all})}$ = Allowable concentration of NO_x in lb/dscf (allowable emission limit in ppmv specified in Section 217.388(a), except as provided for in subsection (g)(4), (g)(5), or (g)(6) of this Section, if applicable, multiplied by 1.194×10^{-7}) on a dry basis for the fuel used.
- 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, ~~appendix~~Appendix A, Method 19 or as determined using 40 CFR 60, ~~appendix~~Appendix A, Method 19.
- $\%O_{2d}$ = Concentration of oxygen in effluent gas stream measured on a dry basis during each of the applicable ~~test~~ 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 ($EM_{(\oplus)\text{act elec}(i)}$) 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 ($EM_{(\oplus)\text{all elec}(i)}$) must be determined by multiplying the nameplate capacity of the unit by the

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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.
- 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.
- $E_{all\ rep(i)}$ = 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) 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~~

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~~downshut~~down, averaged over the three-year period prior to the shutdown. The actual NO_x emissions for the units replaced by purchased power (EM_{(i)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 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).

- 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:

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

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

Where:

- EM_{all(i)} = Total mass of allowable NO_x emissions in lbs for a unit.
~~flow~~Flow_i = Stack flow (dscf/hr) for a given stack.
 Cd_i = Allowable concentration of NO_x (ppmv) specified in Section 217.388(a) ~~of this subpart~~ for a given stack. (1.194 x 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. _____, effective _____)

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 or the affected engine is exempt pursuant to Section 217.386(b).
- 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 administered by USEPA 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

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- that causes an exceedance of an emissions or operating hour limitation;
- B) To achieve compliance for no more than two events in any rolling five-year period; and
- C) 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. Where a low usage limitation under Section 217.388(c)(2) 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. For noncompliance with a seasonal limit in Section 217.388(b), only a NO_x ozone season allowance must be used. For noncompliance with the emissions concentration limits in Section 217.388(a), low usage limitations in Section 217.388(c) or an annual limitation in an emissions averaging plan in Section 217.388(b), only a NO_x annual allowance may be used.
- 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. _____, effective _____)

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:

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- 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(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.
- 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

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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 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.

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- 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, 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 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(c) or low usage units using NO_x allowances to comply with the requirements of this Subpart pursuant to Section 217.392(c). Notwithstanding these 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. _____, effective _____)

Section 217.396 Recordkeeping and Reporting

- a) Recordkeeping. The owner or operator of a unit included in an emissions averaging plan 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(c) 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 Q, which include, but are not limited to:

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- 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.
- 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(d)(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(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\(c\)\(3\).](#)

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- 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 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) or (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:

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- 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;
 - 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, or 40 CFR 75, 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(c) must:
- 1) For each unit complying with Section 217.388(c)(1), maintain a record of the NO_x emissions for each calendar year;

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- 2) For each unit complying with Section 217.388(c)(2), 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.

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

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.5100	Amendment
100.5140	Amendment
100.5160	Amendment
100.5180	New Section
100.7035	New Section
- 4) Statutory Authority: 35 ILCS 5/502, 5/709.5, 5/711 and 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the amendments to the Illinois Income Tax Act made by Public Acts 95-233 and 95-707 to the provisions allowing partnerships and subchapter S corporations to file composite returns and pay tax on behalf of their partners and shareholders and to require partnerships, subchapter S corporations and trusts to withhold Illinois income tax from their nonresident partners, shareholders and beneficiaries who are not included in a composite return.
- 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>
100.2406	New Section	31 Ill. Reg. 15240; November 16, 2007
100.7040	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7300	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7310	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7320	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7325	New Section	32 Ill. Reg. 12164; August 1, 2008

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100.7330	Amendment	32 Ill. Reg. 12164; August 1, 2008
100.7350	New Section	32 Ill. Reg. 12164; August 1, 2008
100.7360	New Section	32 Ill. Reg. 12164; August 1, 2008
100.7370	New Section	32 Ill. Reg. 12164; August 1, 2008
100.3371	New Section	32 Ill. Reg. 16037; October 3, 2008
100.2310	Amendment	32 Ill. Reg. 16309; October 10, 2008
100.5070	Amendment	32 Ill. Reg. 16682; October 17, 2008
100.5080	Amendment	32 Ill. Reg. 16682; October 17, 2008
100.2430	Amendment	32 Ill. Reg. 16951; October 24, 2008

- 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 rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel – Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses conducted as partnerships, Subchapter S corporations and trusts will receive guidance on the new composite return and withholding requirements.
- 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: July 2008

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

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Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

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After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

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SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)

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- 100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions
100.5070 List of Investors in Potentially Abusive Tax Shelters
100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section

- 100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits [on Separate Returns for Resident Individuals](#)
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

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[100.5180](#) [Composite Returns: Overpayments and Underpayments](#)

SUBPART P: COMBINED RETURNS

Section

100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

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- 100.7100 Withholding Exemption (IITA Section 702)
- 100.7110 Withholding Exemption Certificate (IITA Section 702)
- 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

- Section
- 100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

- Section
- 100.7300 Returns of Income Tax Withheld from Wages (IITA Section 704)
- 100.7310 Quarterly Returns Filed on Annual Basis (IITA Section 704)
- 100.7320 Time for Filing Returns (IITA Section 704)
- 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

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- Section
- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

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- Section
- 100.9100 Notice and Demand (IITA Section 902)

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- Section
- 100.9200 Assessment (IITA Section 903)
- 100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

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100.9300	Deficiencies and Overpayments (IITA Section 904)
100.9310	Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320	Limitations on Notices of Deficiency (IITA Section 905)
100.9330	Further Notices of Deficiency Restricted (IITA Section 906)

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Section

100.9400	Credits and Refunds (IITA Section 909)
100.9410	Limitations on Claims for Refund (IITA Section 911)
100.9420	Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

100.9600	Administrative Review Law (IITA Section 1201)
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SUBPART BB: DEFINITIONS

Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

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100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section

100.9900 Tax Shelter Voluntary Compliance Program

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective

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November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill.

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Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART O: COMPOSITE RETURNS

Section 100.5100 Composite Returns: Eligibility

- a) In ~~General~~general. A composite return may be filed on behalf of nonresident individuals, trusts, and estates who derive income from Illinois and who are partners, or ~~subchapter S corporation~~Corporation shareholders, or who transact insurance business under a Lloyds plan of operation (for a definition of an "~~subchapter S corporation~~S corporation" see Section 1501(29) of the IITA; for a definition of a "Lloyd's plan of operation" see Section ~~100.5179~~100.5714). The respective partnership, ~~subchapter S corporation~~Corporation or insurance business shall file ~~the such~~ composite return and shall make composite income tax payments. ~~The Such~~ composite return may include income and tax of Illinois residents if the petition described in subsection (c) ~~of this Regulation~~ is granted. The right to file a composite return is applicable to taxable years ending on or after December 31, 1987.
- b) Eligibility. The right to be included in a composite return is limited to nonresident and resident individuals, trusts; and estates who are partners of the same partnership, shareholders of the same ~~subchapter S corporation~~, or individuals transacting an insurance business in Illinois under a Lloyd's plan of operation. The eligibility of resident individuals, trusts; and estates is conditioned upon compliance with subsection (c) ~~of this Regulation~~.
- EXAMPLE~~Example~~: The Acme partnership consists of a general partner and ~~fifty~~ ~~(50)~~ limited partners. The general partner is a regular corporation, and the limited partners consist of ~~twenty-six~~ ~~(26)~~ nonresident individuals, ~~twenty~~ ~~(20)~~ resident individuals, ~~a subchapter S corporation~~Corporation, a partnership, a nonresident trust; and ~~ana~~ estate. The ~~twenty-six~~ ~~(26)~~ nonresident individuals, the nonresident trust; and the nonresident estate are automatically eligible to be included in a composite return. The ~~twenty~~ ~~(20)~~ resident individuals may be included in the composite return with the nonresidents if the Department grants their petition. None of the other entities may be included in the composite return.
- c) Petition for Residents. Individuals, trusts; and estates that are residents of Illinois may be included in a composite return if the authorized agent files a petition with

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the Department of Revenue and the petition is granted. The Department shall grant the petition if the authorized agent clearly demonstrates that no other method of filing would achieve the same degree of compliance and administrative ease for both the Department and the taxpayers. Factors to be considered in granting the petition include: the quantity of partners or shareholders involved; the inability of the authorized agent to file the composite return except in this manner; and the availability of a reliable method for claiming credit on the separate returns pursuant to Section ~~100.5160-100.5712~~. The petition must be filed prior to the end of the authorized agent's taxable year, and the petition must be granted or denied prior to the due date of the return without regard to extensions. Petitions should be mailed to:

Illinois Department of Revenue
Attn: Document Perfection Section
Post Office Box 19014
Springfield, Illinois 62794-9014

- d) Inclusion of ~~Eligible Members~~~~eligible members~~. A composite return does not have to include all of the individuals who are eligible to be included in the return. Whether ~~or not~~ an individual is included in a composite return is a matter ~~that which~~ should be decided by the individual and the entity. Persons not included in composite returns are required to meet their Illinois filing and payment obligations separately, and failure to do so could mean the imposition of civil and criminal penalties.
- e) Nonresidents With Other Illinois Source Income. Nonresident individuals, trusts, and estates with Illinois source income other than from a partnership, ~~subchapter S corporation~~~~Corporation~~, or Lloyd's plan of operation may, but need not, be included in a composite return. If such nonresidents are included in a composite return for a taxable year ending on or after December 31, 2008 (December 31, 1999, in the case of a composite return filed by a Lloyd's plan of operation), they may claim a credit against their Illinois income tax liability for their share of the tax paid on their behalf on the composite return. If ~~such~~ nonresidents are included in a composite return for an earlier taxable year, they will not be permitted to claim credits on their individual returns for their shares of the composite tax payments unless the authorized agent files a petition with the Department of Revenue requesting permission for the nonresidents to claim ~~the~~~~such~~ credit and the petition is granted. The Department shall grant the petition if the authorized agent clearly demonstrates that no other method of filing would achieve the same

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degree of compliance and administrative ease for both the Department and the taxpayers. Factors to be considered will be the same as for petitions pursuant to subsection (c). The petition must be filed prior to the end of the authorized agent's taxable year, and the petition must be granted or denied prior to the due date of the return without regard to extensions. If the petition is granted, credit will be claimed by the nonresidents for their share of the composite payments in the same manner and amount as permitted resident individuals under Section 100.5160. Petitions should be mailed to:

Illinois Department of Revenue
Attn: Document Perfection Section
Post Office Box 19014
Springfield, Illinois 62794-9014

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

Section 100.5140 Composite Returns: Estimated Payments

No estimated payments are required to be made for taxes reported on a composite return. Estimated payments shall be made on the basis of the tax shown on the composite return. Any penalty for underpayment of estimated tax (see Section 804 of the IITA and Section 3-3 of the UPIA) shall be determined on a composite basis. However, in no event shall such penalty be imposed for taxable years ending December 31, 1987.

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

Section 100.5160 Composite Returns: Credits on Separate Returns ~~for Resident Individuals~~

When the income of a taxpayer an Illinois resident is included in a composite return pursuant to an approved petition underpursuant to Section 100.5100(c) or, for taxable years ending prior to December 31, 1999, by a Lloyd's plan of operation or, for taxable years ending on or after December 31, 2008, for any other pass-through entity, the same amount of income will also be included in the taxpayer's separate return. In this event, a credit may be claimed on the taxpayer's separate return for the taxpayer's his or her share of the composite tax payment. A copy of the composite return shall be attached to the taxpayer's return showing the amount of tax paid on the taxpayer's behalf by the pass-through entity.

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

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Section 100.5180 Composite Returns: Overpayments and Underpayments

- a) When an authorized agent has made an error in determining the amount of any item of income, deduction, addition, subtraction or credit reported on a composite return, the authorized agent shall file an amended return to correct the error and claim a refund or credit, or pay the liability, for any person included on the composite return.
- b) For taxable years ending on or after December 31, 2008, a partnership or subchapter S corporation may report the changes in liabilities of its partners or shareholders and pay the resulting underpayments, on behalf of its partners and shareholders, whether or not a composite return was filed for the taxable year or any specific partner or shareholder was included on that composite return. A partnership or subchapter S corporation may claim a refund or credit of any amount it paid on behalf of its partners or shareholders under Section 100.5100, subsection (a) or this subsection, but may not claim a refund or credit of any amount paid to the Department by a partner or shareholder.
- c) If the amount of tax properly reportable on any return filed under Section 100.5100 or any original or amended return filed under subsection (a) or (b) is not reported and timely paid, the Department may issue a notice of deficiency to the authorized agent with respect to that underpayment and any associated penalties and interest and may issue notices of deficiency to the partners or shareholders, provided that:
- 1) The Department may not collect the underpaid amount of tax, including associated penalties and interest, more than once, and, if claims for refund or credit of any amount collected more than once are timely filed by both a partner or shareholder and the authorized agent, any amount collected from that partner or shareholder in excess of the underpayment attributable to that partner or shareholder shall be refunded or credited to that partner or shareholder rather than to the authorized agent; and
 - 2) No penalty for failure to timely file a return or pay the amount of tax due shall be assessed against a partner or shareholder who had timely requested the authorized agent in writing to file composite original or amended returns and pay tax on his or her behalf under this Part, and had no knowledge that the authorized agent would not comply with that

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request prior to the earlier of the date of filing or the due date (including extensions) for filing the partner's or shareholder's return.

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

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section 100.7035 Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)

- a) In General. For each taxable year ending on or after December 31, 2008, every pass-through entity must withhold from each nonresident owner an amount equal to the distributive share of that owner under sections 702 and 704 and subchapter S of the Internal Revenue Code, whether or not distributed, of the business income of the pass-through entity that is apportionable to Illinois, multiplied by the applicable tax rate for that owner under IITA Section 201(a) through (d). (See IITA Section 709.5.)
- b) Definitions. For purposes of this Section:
- 1) Certificate of Exemption. A certificate of exemption is a statement made in the form and manner prescribed by the Department that the owner completing the certificate undertakes to:
 - A) file all returns required to be filed under IITA Section 502;
 - B) timely pay all tax imposed under IITA Section 201 or required to be withheld under IITA Section 709.5; and
 - C) submit to the jurisdiction of the State of Illinois for purposes of collecting any amount owed in income tax, interest or penalties. (See IITA Section 709.5.)
 - 2) Owner. The term "owner" of a pass-through entity means a partner in the partnership, a shareholder in the subchapter S corporation or a beneficiary of the trust.
 - 3) Pass-through Entity. The term "pass-through entity" means a partnership (other than a publicly traded partnership under 26 USC 7704 or an

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investment partnership under Section 100.9370), subchapter S corporation or trust.

- c) Time for Filing Return and Paying Tax Withheld. A pass-through entity shall report the amounts withheld and the owners from whom the amounts were withheld, and pay over the amounts withheld, no later than the due date (without regard to extensions) of the tax return of the pass-through entity for the taxable year. (See IITA Section 711(a-5).)
- d) Credit for Taxes Withheld. An owner from whom an amount of tax was withheld under subsection (a) with respect to its share of the business income of a pass-through entity and paid to the Department is entitled to a credit equal to that amount against its liability under IITA Section 201 for the taxable year in which that business income is included in its base income. (See IITA Section 709.5(b).)
- 1) If the owner is a pass-through entity, it may claim some or all of that amount as a credit against the amount it is required to withhold from its owners under this Section, in lieu of claiming the credit against its liability under IITA Section 201. (See IITA Section 709.5(b).) Once a return claiming an amount of credit against the owner's liability under this Section or under IITA Section 201 has been filed, the owner may not claim that amount as a credit against any other liability.
- 2) For purposes of computing penalty and interest on late payment of tax due by an owner, the amount withheld and paid to the Department with respect to that owner is treated as paid no later than the last day of the taxable year of the pass-through entity withholding that amount. (See IITA Section 804(g)(2).)
- e) Overpayments. A pass-through entity may not claim a refund or credit for any overpayment of withholding due under subsection (a) with respect to any owner. In addition, an owner has no right of action against the pass-through entity for overpayment of withholding. (See IITA Section 712.) In the case of any overpayment, the remedy is for the owner to file a timely claim for credit or refund for any amount withheld under subsection (a) with respect to it.
- f) Underpayments. If a pass-through entity fails to timely pay the full amount of withholding due under this Section:

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- 1) The pass-through entity is relieved of its obligation to pay any amount due with respect to an owner, if the owner has paid its liability under the IITA on the income from which withholding was required. However, the pass-through entity is not relieved of any penalty or interest otherwise applicable with respect to its failure to timely pay the withholding. (See IITA Section 713.)
 - 2) No penalty or interest may be assessed against an owner for failure to timely pay a liability under the IITA (including a liability under this Section), to the extent that failure is the result of the failure of a pass-through entity to withhold and timely pay tax under this Section with respect to income of that owner, except when that the pass-through entity's failure to timely pay the tax was caused by the owner and only to the extent the Department has not collected payment of interest or penalties from the pass-through entity with respect to that underpayment.
- g) Exemption from withholding.
- 1) Pass-through entities are not required to withhold tax under this Section from any owner:
 - A) who is exempt from taxation under 26 USC 501(a) or under IITA Section 201;
 - B) who is included on a composite return filed by the entity for the taxable year under IITA Section 502(f); or
 - C) who is not an individual and, on the date withholding is required to be reported and paid for a taxable year, the pass-through entity has in its possession a valid certificate of exemption for that owner.
 - 2) No owner has any right of action against a pass-through entity for withholding tax from that owner despite exemption under this subsection (g). (See IITA Section 712.) Instead, the owner must file a timely claim for refund of the withholding.
- h) Certificates of Exemption
- 1) For purposes of this Section, a certificate of exemption is valid if it:

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- A) is completed using the form prescribed by the Department; and
 - B) has not been revoked.
- 2) Recordkeeping. Certificates of Exemption shall be retained by the pass-through entity and made available to the Department in the same manner as other records required to be maintained under IITA Section 501.
- 3) Revocation. If an owner that has provided a pass-through entity with a Certificate of Exemption fails to timely file a return that reports its share of the business income apportioned to Illinois by the pass-through entity or to timely pay the tax shown due on a return that reports its share of the business income apportioned to Illinois by the pass-through entity, the Department may at any time thereafter revoke the Certificate of Exemption by serving notice upon the pass-through entity at its usual place of business or by mail to the pass-through entity's last-known address. The revocation is effective with respect to all payments and returns of withholding due more than 60 days after the date the notification is issued by the Department. Once a notification has been issued by the Department with respect to a particular owner, the pass-through entity may not treat a Certificate of Exemption from the same owner as valid unless the pass-through entity has been notified by the Department, in writing, that it may again accept a Certificate of Exemption from that owner. Because revocation of a Certificate of Exemption imposes no additional tax liability, but merely affects the timing and method of payment, and no provision is made in the IITA for protest or review of a revocation, neither the owner nor the pass-through entity has any right to protest or seek review by the courts of a revocation.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certification of Alternative Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 451
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
451.20	Amendment
451.73	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115]
- 5) Effective Date of Amendments: November 1, 2008
- 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 material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 4, 2008; 32 Ill. Reg. 4479
- 10) Has JCAR issued a Statement of Objection to these amendments? 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 agreement letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Commission has adopted 83 Ill. Adm. Code 451, "Certification of Alternative Retail Electric Suppliers" to regulate the entry of alternative retail electric suppliers ("ARES") under Article XVI of the Public Utilities Act. P.A. 95-0130 repealed Section 16-115(d)(5) of the Act, effective January 1, 2008. Section 16-115(d)(5) of the Act contained the statutory requirement for reciprocity for

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ARES certification. With the repeal of this requirement, it is appropriate for the Commission to amend Part 451 to eliminate references to this requirement.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 451
CERTIFICATION OF ALTERNATIVE RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL PROVISIONS

Section

- 451.10 Definitions and Incorporations
- 451.20 Requirements for All Applicants under Section 16-115(d) of the Act
- 451.30 Required Filings and Procedures
- 451.40 Customer Records and Information
- 451.50 License or Permit Bond Requirements
- 451.60 Confidential Documentation

SUBPART B: EXPEDITED PROCEDURES FOR APPLICANTS SEEKING TO
SERVE ONLY NONRESIDENTIAL CUSTOMERS WITH MAXIMUM
ELECTRICAL DEMANDS OF ONE MEGAWATT OR MORE

Section

- 451.100 Applicability of Subpart B
- 451.110 Financial Qualifications under Subpart B
- 451.120 Technical Qualifications under Subpart B
- 451.130 Managerial Qualifications under Subpart B
- 451.140 Qualifications of Agents and Contractors under Subpart B
- 451.150 Commission Order in Expedited Proceedings under Subpart B
- 451.160 Confidential Documentation (Repealed)

SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE
NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL
CONSUMPTION GREATER THAN 15,000 kWh

Section

- 451.200 Applicability of Subpart C
- 451.210 General Qualifications under Subpart C
- 451.220 Financial Qualifications under Subpart C
- 451.230 Technical Qualifications under Subpart C

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- 451.240 Managerial Qualifications under Subpart C
- 451.250 Qualifications of Agents and Contractors under Subpart C
- 451.260 Commission Order in Proceedings under Subpart C
- 451.270 Confidential Documentation under Subpart C (Repealed)

SUBPART D: PROCEDURES FOR APPLICANTS SEEKING TO SERVE ALL RETAIL CUSTOMERS

Section

- 451.300 Applicability of Subpart D
- 451.310 General Provisions of Subpart D
- 451.320 Financial Qualifications under Subpart D
- 451.330 Technical Qualifications under Subpart D
- 451.340 Managerial Qualifications under Subpart D
- 451.350 Qualifications of Agents and Contractors under Subpart D
- 451.360 Commission Order in Proceedings under Subpart D
- 451.370 Confidential Documentation under Subpart D (Repealed)

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS

Section

- 451.400 Applicability of Subpart E
- 451.410 Required Filings and Procedures under Subpart E
- 451.420 Technical Qualifications under Subpart E
- 451.430 Qualifications of Agents and Contractors under Subpart E
- 451.440 Commission Order in Proceedings under Subpart E
- 451.450 Confidential Documentation under Subpart E (Repealed)

SUBPART F: FINANCIAL QUALIFICATIONS FOR THE PROVISION OF SINGLE-BILLING SERVICE

Section

- 451.500 Applicability of Subpart F
- 451.510 Financial Qualifications under Subpart F

SUBPART H: PROCEDURES FOR REPORTING CONTINUING COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section

- 451.700 Applicability of Subpart H

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451.710	General Provisions
451.720	Erroneous or Defective Reports
451.730	Certification of Compliance with Section 16-115(d)(5) of the Act (Repealed)
451.740	Financial Reporting Requirements
451.750	Managerial Reporting Requirements
451.760	Technical Reporting Requirements
451.770	Kilowatt-hour Reporting Requirement

AUTHORITY: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].

SOURCE: Adopted at 23 Ill. Reg. 5528, effective May 1, 1999; amended at 23 Ill. Reg. 13820, effective December 1, 1999; amended at 24 Ill. Reg. 15971, effective October 15, 2000; amended at 26 Ill. Reg. 7039, effective May 1, 2002; expedited correction at 26 Ill. Reg. 15115, effective May 1, 2002; amended at 32 Ill. Reg. 17126, effective November 1, 2008.

SUBPART A: GENERAL PROVISIONS

Section 451.20 Requirements for All Applicants under Section 16-115(d) of the Act

Each applicant, except electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an ARES and applicants filing under Section 16-115(e) of the Act [220 ILCS 5/16-115(e)], for certification as an ARES must include with its application the following items, as required by Section 16-115(d) of the Act:

- a) The applicant shall certify that it will comply with all applicable Federal, State, regional and industry rules, policies, practices, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system (including the Open Access Same-time Information System (OASIS) mandated by 18 CFR 37 and the rules and operating guidelines and procedures of the regional or national electric reliability council(s) or organization(s) and their successors for any portion of the state in which the applicant is certified to provide retail electric service) and shall agree to submit good faith schedules of transmission and energy in accordance with applicable tariffs.
- b) The applicant shall certify that it will provide service only to retail customers that are eligible to take delivery services.

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- c) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may by rule establish.
- d) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may establish regarding the provision of information required by Section 16-112 of the Act [220 ILCS 5/16-112]. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis and only to the extent and for the purposes that the Commission determines are reasonably necessary in order to carry out the purposes of this Act.
- e) ~~The applicant shall certify that it complies with the requirements of Section 16-115(d)(5).~~—The applicant shall provide the following:
- 1) Applicant's name and street address; ~~and~~.
 - 2) Applicant's Federal Employer Identification Number (FEIN).
 - 3) ~~Names and addresses of all of the applicant's affiliated companies involved in electric retail sales or purchases in the North American Continent.~~
- f) The applicant shall demonstrate that:
- 1) The applicant is licensed to do business in the State of Illinois; and
 - 2) The employees of the applicant that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, or any entity with which the applicant has contracted to perform those functions within the State of Illinois, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)].
- g) The applicant shall certify compliance with all other applicable laws and regulations and Commission rules and orders.

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(Source: Amended at 32 Ill. Reg. 17126, effective November 1, 2008)

SUBPART H: PROCEDURES FOR REPORTING CONTINUING
COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section 451.730 Certification of Compliance with Section 16-115(d)(5) of the Act
(Repealed)

~~The ARES shall annually certify that it complies with the requirements of Section 16-115(d)(5) of the Act during January of each year after its certification. The applicant shall provide the following along with its certification:~~

- ~~a) The ARES' name and street address;~~
- ~~b) The ARES' Federal Employer Identification Number (FEIN); and~~
- ~~c) Names and addresses of all of the ARES' affiliated companies involved in electric retail sales or purchases in North America.~~

(Source: Repealed at 32 Ill. Reg. 17126, effective November 1, 2008)

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>
140.24	Amendment
140.490	Amendment
140.494	Amendment
140.1001	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 15, 2008
- 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 Proposals Published in Illinois Register: April 18, 2008, 32 Ill. Reg. 6344; April 25, 2008, 32 Ill. Reg. 6869
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: This rulemaking combines two separately proposed rulemakings. No changes were made in Sections 140.24 and 140.1001 (32 Ill. Reg. 6344) or 140.494 (32 Ill. Reg. 6869)

In Section 140.490 the following changes were made:

1. In Section 140.490(f) added "Safety program certification requirement."
2. Added a new 140.490(f)(1) to read as follows:
 - "1) Safety training programs shall be approved by the Department and must include, at a minimum, all of the following components applicable to both drivers and employee attendants:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- A) Passenger assistance. Training must contain and/or convey information on courteous treatment of passengers; an understanding of different disabilities; instructions on safely loading and unloading passengers, including passengers with disability devices, and; procedures for dropping off and picking up passengers.
- B) Vehicle Operation and Passenger Safety. Training must contain information on vehicle inspection; proper seatbelt usage for adults; proper infant and child restraint usage, including proper method for securing child seats, and; proper usage of security lock-down devices.
- C) Emergency Procedures. Training must contain information on the usage of vehicle emergency equipment; procedures to follow in case of an accident or breakdown, and; proper precautions and cleanup of blood borne pathogens."
3. Section 140.490(f)(1) is renumbered to 140.490(f)(2) and reads as follows: "For dates of service on or after July 1, 2008, all providers of non-emergency medicar and service car transportation must certify that all drivers and employee attendants have completed a safety program approved by the Department, prior to supplying medical transportation to a client. For services provided between July 1, 2008 and October 31, 2008, the Department will consider providers in compliance with the safety program certification requirement, if the employee driver and/or attendant completed an approved safety training program by November 1, 2008."
4. Section 140.490(f)(2) is renumbered to 140.490(f)(3)
5. Section 140.490(f)(3) is renumbered to 140.490(f)(4)
6. Section 140.490(f)(4) is renumbered to 140.490(f)(5)
7. Section 140.490(f)(5) is renumbered to 140.490(f)(6) and reads as follows: "Exceptions to the safety program certification requirement will be permitted only in the following circumstances and documentation substantiating the exception must be available to the Department upon request."

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- A) The medicar or service car provider receives federal funding under 49 USC 5307 or 5311. The exception is applicable only during the period of federal funding.
- B) The driver or attendant is licensed as an Emergency Medical Technician by the Illinois Department of Public Health, or comparable licensing entity in the state in which the transportation provider is located. This exception is applicable only for periods that the individual holds an active EMT license.
- C) The driver or attendant holds a valid School Bus Driver Permit pursuant to 625 ILCS 5/6-106.1 and is providing services on behalf of a local education agency. This exception is applicable only for periods that the individual holds a current valid school bus permit."

- 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>
140.80	Amendment	32 Ill. Reg. 9786; July 11, 2008
140.454	Amendment	32 Ill. Reg. 10782; July 18, 2008
140.455	Amendment	32 Ill. Reg. 10782; July 18, 2008
140.413	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.435	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.436	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.14	Amendment	32 Ill. Reg. 14003; August 29, 2008
140.16	Amendment	32 Ill. Reg. 14003; August 29, 2008
140.44	Amendment	32 Ill. Reg. 14003; August 29, 2008

- 15) Summary and Purpose of Amendments: The amendments to Sections 24 and 1001 increase access to practitioners in medical programs. Previous restrictions on the types of entities that practitioners could name as alternate payees had prevented some practitioners from enrolling as HFS providers. These changes allow salaried practitioners employed by corporations of other individual practitioners in the same profession to name their employer as alternate payee and will help with enrollment of optometrists,

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since large chains employ many optometrists. Further, the rulemaking allows a nurse practitioner employed by a physician to name the physician as alternate payee.

The amendments to Sections 490 and 494 implement P.A. 95-0501, which created a new requirement that medicar and service car transportation providers enrolled with HFS must meet in order to be eligible for payment from HFS. The changes enable the Department to administer the mandate requiring medicar and service car transportation providers to certify that their drivers and employee attendants, if applicable, have completed a safety training program approved by the Department, prior to transporting participants of HFS' medical programs.

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

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,

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	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
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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 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983;

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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; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989;

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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 December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill.

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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, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective

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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 December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514,

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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 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill.

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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; 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; amended at 32 Ill. Reg. 17133, effective October 15, 2008.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.24 Payment Procedures

- a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller.
- b) All providers of medical services must designate a payee when enrolling in the Department's Medical Assistance Program.
 - 1) Providers enrolled as business entities are limited to one payee. A business entity is defined as any firm, corporation, partnership, agency, institution or other legal organization organized for the purpose of providing medically related professional services. A provider enrolled as a business entity may designate the corporate or partnership name as the payee. The mailing address for the payee must be the provider's service address, the designated address of the provider's corporate or partnership office, or a designated address that will accept and forward the remittance

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advice to the business entity.

- 2) Providers enrolled as individual practitioners are allowed to have more than one payee. An individual practitioner is defined as an individual person licensed by an authorized State agency to provide medical services. Payment may be mailed to an individual practitioner at one of the following addresses that will accept and forward the remittance advice to the individual practitioner:
 - A) The provider's service address; or
 - B) The provider's residence; or
 - C) The provider's designated address; or
 - D) The address of the provider's designated alternate payee pursuant to subsection (d) of this Section; or
 - E) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).
- c) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. After approval is given, the warrant will be issued in the name of the facility or corporate name doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.
- d) Individual practitioners may request the Department to designate an alternate payee. The Department may permit such a request if the Department determines that such designation is consistent with the provision of medical services to eligible recipients. The alternate payee must be registered as an alternate payee pursuant to Subpart J and:
 - 1) The individual practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school. A professional school is defined as a college or university offering a degree to qualify individuals for licensure to perform medical services; or

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- 2) The individual practitioner has a contractual/salary arrangement with or is employed by a practitioner owned group practice. The practitioner owned group practice must be owned by three or more full-time licensed individual practitioners who are eligible to participate in the Medical Assistance Program; or
- 3) The individual practitioner is a partner in a partnership and has a partnership arrangement that requires fees to be turned over to the partnership. The partnership must be solely-owned by two or more practitioners who are eligible to participate in the Medical Assistance Program; or
- 4) The individual practitioner has a contractual/salary arrangement or is employed by a governmental entity that requires, as a condition of employment, that the fees be turned over to the governmental entity; or
- 5) The individual practitioner has a contractual/salary arrangement or is employed by a community mental health agency that is certified by the Department of Human Services under 59 Ill. Adm. Code 132. The community mental health agency must be enrolled as a provider in the Medical Assistance Program; or
- 6) The individual practitioner has a contractual/salary arrangement or is employed by a Federally Qualified Health Center, Rural Health Center or Encounter Rate Clinic that is enrolled as a provider in the Medical Assistance Program; or
- 7) The individual practitioner has a contractual/salary arrangement or is employed by a hospital affiliate, as defined by the Hospital Licensing Act [210 ILCS 85]; ~~or~~
- 8) The individual practitioner is employed by a corporation registered with the Illinois Secretary of State's Office to do business in the State of Illinois and whose shares of ownership are publicly traded in a recognized stock exchange within the United States of America; or
- 9) The individual practitioner "employer" requires an employee, as a condition of employment, to turn over his or her fees to the employer. The employer must be eligible to participate in the Medical Assistance

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Program and, except as provided below, must be licensed in the same profession as the practitioners in his or her employ who have designated the employer as the alternate payee. The employer may only qualify as a payee for a total of four individual practitioners, including the employer. Practitioners may designate an employer who is a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] if the practitioner is an advanced practice nurse licensed under the Nurse Practice Act [225 ILCS 65].

- e) The Department will not permit the designation of a payee or alternate payee that appoints, employs, or contracts with any person as an owner, officer, director, or individual with management or advisory responsibility who is terminated, suspended, or barred or has voluntarily withdrawn as a result of a settlement agreement, from any state or federal healthcare program.
- f) If a practitioner designates an alternate payee, the practitioner and the alternate payee shall be jointly and severally liable to the Department for payments made to the alternate payee.

(Source: Amended at 32 Ill. Reg. 17133, effective October 15, 2008)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.490 Medical Transportation

- a) Payment for medical transportation shall be made to an individual, public, private or not-for-profit transportation carrier, whose operators are properly licensed, who provides the appropriate form of transportation and who bills and receives payment from the general public and other third party payors (except for private autos pursuant to subsection (a)(5) of this Section). Eligible providers to be considered for payment include:
 - 1) Ambulance providers who hold a valid license, permit or certification from the state where the business is headquartered or from the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law [625 ILCS 5/3-401] and Section 8-101 of the Illinois Vehicle Code [625 ILCS 5/8-101]) and pass health/safety inspections annually by the Department of Public Health (see the Emergency Medical Services (EMS) Systems Act [210 ILCS 50]). Out-of-state ambulance providers who

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provide services within Illinois must be in compliance with the EMS Systems Act [210 ILCS 50]. Vehicles operated by municipalities must meet the certification requirements contained in 77 Ill. Adm. Code 535, Subpart C, by July 1, 1987. The Department will grant exceptions to this requirement if the municipality can demonstrate that the Illinois Department of Public Health has granted a waiver or exception to such requirement.

- 2) Medicar vehicles licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the business is headquartered.
 - 3) Taxicabs licensed by the Secretary of State and where applicable by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the business is headquartered.
 - 4) Service cars licensed as livery cars by the Secretary of State and where applicable by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or that hold a valid license, permit or certification from the state where the business is headquartered.
 - 5) Private automobiles licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or licensed in the state of the owner's residence.
 - 6) Helicopter providers who hold a valid license from the State of Illinois issued under the authority of the State of Illinois Department of Public Health, or are licensed in the state where services are provided.
 - 7) Other modes of transportation such as buses, trains and commercial airplanes.
- b) Except as provided in subsection (c) of this Section, payment for medical transportation shall be made when transportation is provided for an eligible recipient to or from a source of medical care. Medical care is defined as any

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medically necessary service covered under the Medical Assistance Program. Payment for transportation will be made even when a covered medical service is provided free of charge or is reimbursed by a third party (for example, services provided by the U.S. Department of Veterans' Affairs).

- c) Payment for medical transportation shall not be made when:
 - 1) A means of transportation to the source of medical care is available free of charge;
 - 2) The transportation is for the purpose of filling a prescription or obtaining medical supplies, equipment or any other pharmacy related item; or
 - 3) Proper prior or post approval authorization has not been made by the Department or its authorized agent.
- d) When more than one passenger requiring medical services is transported, payment for the first passenger will be at the full rate including mileage, base rate and ancillaries, if provided; payment for the second or additional passengers requiring medical services will be at only the base rate and ancillaries, if provided.
- e) Coverage for an employee attendant and a non-employee attendant.
 - 1) For the purposes of this subsection (e):
 - A) "Employee attendant" means a person, other than the driver, who is an employee of a medicar, service car or taxicab.
 - B) "Non-employee attendant" means a family member or other individual who may accompany the patient when there is a medical need for such an attendant.
 - 2) The Department will pay for an attendant to accompany an eligible patient to and from the source of a covered medical service, by a medicar, a service car or a taxicab, when the circumstances constitute one of the following medical necessities. A physician's statement may be required to verify the medical necessity.
 - A) To accompany the patient to a medical provider when needed, such

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as a parent going with a child to the doctor or when an attendant is needed to assist the patient;

- B) To participate in the patient's treatment when medically necessary;
or
 - C) To learn to care for the patient after discharge from the hospital.
- 3) The Department does not pay for transportation of family members to visit a hospitalized patient.
- 4) For dates of service prior to July 1, 2006, the use of an attendant is subject to prior approval in all situations except for the non-emergency trips described in Section 140.491(b)(2). In the instances that prior approval is not required for an attendant, medical necessity must be documented in the record. The Department's authorized prior approval agent may require documentation of medical necessity. A medicar company may bill for the services of an employee and a non-employee attendant. Billings for the services of an employee attendant and a non-employee attendant are allowable when such services are rendered during a single trip. Service car and taxicab providers may receive payment only for a non-employee attendant.
- 5) For dates of service on or after July 1, 2006, the use of an attendant is subject to prior approval in all situations except for the non-emergency trips described in Section 140.491(b)(2). In the instances in which prior approval is not required for an attendant, medical necessity must be documented in the record. The Department's authorized prior approval agent may require documentation of medical necessity. A medicar, service car or taxicab may bill for the services of an employee and a non-employee attendant.

f) Safety program certification requirement.

- 1) Safety training programs shall be approved by the Department and must include, at a minimum, all of the following components applicable to both drivers and employee attendants:

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- A) Passengers Assistance. Training must contain and/or convey information on courteous treatment of passengers; an understanding of different disabilities; instructions on safely loading and unloading passengers, including passengers with disability devices; and procedures for dropping off and picking up passengers.
 - B) Vehicle Operation and Passenger Safety. Training must contain information on vehicle inspection; proper seatbelt usage for adults; proper infant and child restraint usage, including proper method for securing child seats; and proper usage of security lock-down devices.
 - C) Emergency Procedures. Training must contain information on the usage of vehicle emergency equipment; procedures to follow in case of an accident or breakdown; and proper precautions and cleanup of blood borne pathogens.
- 2) For dates of service on or after July 1, 2008, all providers of non-emergency medicar and service car transportation must certify that all drivers and employee attendants have completed a safety program approved by the Department, prior to supplying medical transportation to a client. For services provided between July 1, 2008 and October 31, 2008, the Department will consider providers in compliance with the safety program certification requirement, if the employee driver and/or attendant completed an approved safety training program by November 1, 2008.
 - 3) Drivers and employee attendants transporting participants of the Department's Medical Assistance programs must complete an approved safety program every three years. Documentation certifying completion of an approved safety program must be maintained by the transportation provider and available to the Department upon request. The safety program certification shall not be issued by an entity affiliated with the transportation provider.
 - 4) The names of the driver and employee attendant actually transporting the participant shall be documented in the medical transportation service record as required at Section 140.494(a).

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- 5) Failure of the transportation provider to maintain and, upon request from the Department, produce the documentation of required training shall result in the recovery of all payments made by the Department for services rendered by a non-certified driver or employee attendant.
- 6) Exceptions to the safety program certification requirement will be permitted only in the following circumstances and documentation substantiating the exception must be available to the Department upon request.
- A) The medicar or service car provider receives federal funding under 49 USC 5307 or 5311. The exception is applicable only during the period of federal funding.
- B) The driver or attendant is licensed as an Emergency Medical Technician by the Illinois Department of Public Health, or comparable licensing entity in the state in which the transportation provider is located. This exception is applicable only for periods that the individual holds an active EMT license.
- C) The driver or attendant holds a valid School Bus Driver Permit pursuant to 625 ILCS 5/6-106.1 and is providing services on behalf of a local education agency. This exception is applicable only for periods that the individual holds a current valid school bus permit.

(Source: Amended at 32 Ill. Reg. 17133, effective October 15, 2008)

Section 140.494 Record Requirements for Medical Transportation Services

- a) The record must, at a minimum, contain a dispatcher's log and individual trip tickets that document:
- 1) Identification of the client (name, address and client number);
 - 2) Name and address or facility name of person or entity requesting service;
 - 3) A copy of the Transportation Invoice;
 - 4) Identification of the type of vehicle used (for example, ambulance,

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medicar, service car) and the vehicle's license plate number; and

- 5) The name of the driver and attendant, if applicable.
- b) The trip ticket must document medical necessity for the following:
- 1) Non-emergency transportation that does not require prior approval;
 - 2) Use of an ambulance;
 - 3) Administration of oxygen;
 - 4) Use of an attendant by a medicar, service car or a taxicab company; and
 - 5) Use of a stretcher by a medicar.
- c) Advanced Life Support transportation services must also maintain a copy of the Emergency Medical Services Run Sheets or other forms as required by the Illinois Department of Public Health.
- d) [In absence of proper and complete records, including, but not limited to, failure to provide documentation of safety training certification as required in Section 140.490\(f\), payments previously made shall be recouped.](#)

(Source: Amended at 32 Ill. Reg. 17133, effective October 15, 2008)

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section 140.1001 Registration Conditions for Alternate Payees

- a) In order to participate, alternate payees [must meet the following conditions](#)~~shall~~:
- 1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical entities;
 - 2) Be certified for participation in the Title XVIII Medicare program when federal or State rules and regulations require such certification for Title XIX participation;

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- 3) Be certified for Title XIX when federal or State rules and regulations so require;
- 4) Qualify as:
 - A) Hospital~~Be a hospital~~ or a hospital affiliate as defined by the Hospital Licensing Act [210 ILCS 85];
 - B) Professional~~professional~~ school that offers a degree to qualify individuals for licensure to perform medical services;
 - C) Group~~group~~ practice solely owned by three or more full-time licensed individual practitioners who are eligible to participate in the Medical Assistance Program;
 - D) Partnership~~partnership~~ that requires fees of its partners to be turned over to the partnership and all partners are eligible to participate in the Medical Assistance Program;
 - E) Individual practitioner "employer" who requires an employee, as a condition of employment, to turn over his or her fees to the employer. The employer must be eligible to participate in the Medical Assistance Program and, except as provided below, must be licensed in the same profession as the practitioners in his or her employ who have designated the employer as the alternate payee. The employer may only qualify as a payee for a total of four individual practitioners, including the employer. Practitioners may designate an employer who is a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] if the practitioner is an advanced practice nurse licensed under the Nurse Practice Act [225 ILCS 65];
 - F) Corporation registered with the Illinois Secretary of State's Office to do business in the State of Illinois and whose shares of ownership are publicly traded in a recognized stock exchange within the United States of America;

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- G) ~~Governmental~~ ~~governmental~~ entity that requires, as a condition of employment, that the fees be turned over to the governmental entity;
 - H) ~~Community~~ ~~community~~ mental health agency that is certified by the Department of Human Services under 59 Ill. Adm. Code 132 and is enrolled as a provider in the Medical Assistance Program; or
 - I) ~~a~~ Federally Qualified Health Center, Rural Health Center or Encounter Rate Clinic that is enrolled as a provider in the Medical Assistance Program;
- 5) Provide registration information to the Department, in the prescribed format;
 - 6) Notify the Department, in writing, immediately whenever there is a change in any information that the alternate payee has previously submitted;
 - 7) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to public assistance recipients and alternate payee relationships; and
 - 8) Have a current alternate payee registration on file with the Department.
- b) Approval of a corporate entity such as a group practice, a partnership, hospital, or professional school as an alternate payee in the Medical Assistance Program applies only to the entity's existing ownership, corporate structure, and location. Therefore, an alternate payee's registration in the Medical Assistance Program is not transferable.
 - c) For purposes of administrative efficiency, the Department may periodically require classes of alternate payees to re-register in the Medical Assistance Program. Under such a re-registration, the Department shall request classes of alternate payees to submit updated information. Failure of an alternate payee to submit such information within the requested time frames may result in

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cancellation of the alternate payee registration from the Program. Such cancellation shall have no effect on the future eligibility of the alternate payee to participate in the Program and is intended only for purposes of the Department's efficient administration of the Program.

- d) For purposes of this Section, an alternate payee whose alternate payee investor ownership has changed by 50 percent or more from the date the alternate payee was initially approved for registration as an alternate payee in the Medical Assistance Program shall be required to submit a new application for registration. All such applications must meet the requirements for registration.

(Source: Amended at 32 Ill. Reg. 17133, effective October 15, 2008)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.156 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 11-12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- 5) Effective date of amendment: October 20, 2008
- 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 agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: March 14, 2008; 32 Ill. Reg. 3568
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendment:

In Section (h), "\$4,500" was deleted and "\$2,000" was reinstated.

In Section (i), "\$9,000" was deleted and "\$4,000" was reinstated.

No other substantive changes were made in the text of the proposed amendment.
- 12) Have all 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 on this Part? Yes

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<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
112.252	Amendment	32 Ill. Reg. 9792; July 11, 2008
112.253	Amendment	32 Ill. Reg. 9792; July 11, 2008
112.254	Amendment	32 Ill. Reg. 9792; July 11, 2008

- 15) Summary and purpose of Rulemaking: This rulemaking revises the Assets for Independence (AFI) Program Provisions. As a result of this rulemaking, program participants will receive match funds of 1:1 for homeownership accounts and depending upon available resources up to 3:1 match funds for educational accounts. The funding source for this AFI fund will be both HHS and the Illinois Department of Human Services. This rulemaking also establishes that program participants will be eligible to withdraw money from an IDA for a first-time home purchase if they have participated in the program for 6 months and have fulfilled the financial education requirements. In addition, this rulemaking revises the definition of an eligible educational institution to mean an Illinois Public College or University or an Illinois Community College.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards

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- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- | 112.156 [AssetsAssests](#) for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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SUBPART J: CHILD CARE

Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

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3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, 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. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

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effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 17167, effective October 20, 2008.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.156 Assets for Independence Program

- a) The Assets for Independence (AFI) Program is a federal grant program that enables agencies to implement and demonstrate an asset-based approach for giving low-income families help out of poverty. The AFI Program allows eligible low-income Illinois citizens currently residing in Illinois, subject to the availability of State and federal funds and authorization from DHS, to open and maintain an Individual Development Account (IDA) at a federally insured financial institution.
- b) IDAs are matched savings accounts designed to help low-income and low-wealth families accumulate savings to purchase a first home, start a small business or continue their education. IDAs promote savings and enable participants to acquire a lasting asset after saving for a few years. The IDA program is open to all people within the State who meet the federal and State account holder eligibility guidelines and rules for income and assets.
- c) An IDA is a trust created or organized exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument

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creating the trust contains the following requirements:

- 1) No contribution will be accepted unless the contribution is in cash (including electronic transfers) or by check.
 - 2) The trustee is a federally insured financial institution or a State insured financial institution, if no federally insured financial institution is available.
 - 3) The assets of the trust will be invested in accordance with the direction of the eligible individual after consultation with [DHS](#)~~the qualified entity~~ providing deposits for the individual.
 - 4) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.
 - 5) Except as provided in subsection (c)(6) of this Section, any amount in the trust that is attributable to a deposit provided under section 410 of the Assets for Independence Act (AFIA) (PL 105-285) ([42 USC 604 note](#)) may be paid or distributed out of the trust only for the purpose of paying the qualified expenses of the eligible individual, ~~or enabling the eligible individual to make an emergency withdrawal.~~
 - 6) Any balance in the trust on the day after the date on which the individual for whose benefit the trust is established dies shall be distributed within 30 days after that date as directed by that individual to another IDA established for the benefit of an eligible individual.
- d) For purposes of subsection (c) of this Section, a custodial account shall be treated as a trust if the assets of the custodial account are held by a bank (as defined in section 408(n) of the Internal Revenue Code of 1986 (26 USC 408(n)) or another person who demonstrates, to the satisfaction of the Secretary of Health and Human Services (HHS), that the manner in which that person will administer the custodial account will be consistent with the requirements of AFIA and if the custodial account would, except for the fact that it is not a trust, constitute an IDA described in subsection (c) of this Section. In the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of that custodial account shall be treated as the trustee of the account.

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- e) An individual may make deposits to his or her IDA only from earned income as defined in section 911(d)(2) of the Internal Revenue Code of 1986.
- f) The moneys in an IDA and match moneys from the AFI fund shall be used solely for qualified expenses, defined under section 404(8) of the AFIA, as follows:
- 1) Post-secondary education expenses, which means the following:
 - A) Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.
 - B) Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.
 - C) An "eligible educational institution" means the following institutions classified by the Illinois Board of Higher Education:
 - i) ~~An Illinois Public College or University; or institution of higher education as described in Section 101 or 102 of the Higher Education Act of 1965.~~
 - ii) An Illinois Community College ~~Postsecondary vocational education school — An area vocational education school (as defined in section 521(4) (C) or (D) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 USC 2471(4)(C) or (D)) that is in any state as defined in section 521(33) of that Act).~~
 - 2) First Home Purchase ~~Qualified acquisition costs means~~:
 - A) Qualified acquisition costs with respect to a principal residence for a qualified first-time homebuyer if paid from an IDA directly to the persons to whom the amounts are due.
 - i) "Principal residence" means a main residence, the qualified acquisition costs of which do not exceed 120 ~~100~~ percent of the average area purchase price applicable to the residence.
 - ii) "Qualified acquisition costs" means the costs of acquiring,

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constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

- iii) "Qualified first-time homebuyer" means an individual participating in the project involved (and, if married, the individual's spouse) who has no present ownership interest in a principal residence during the three-year period ending on the date of acquisition of the principal residence to which this subsection (f)(2) applies.
- iv) "Date of acquisition" means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subsection (f)(2) applies is entered into.

- B) Program participants will be eligible to withdraw money from an IDA for a first-time home purchase if they have participated in the program for at least ~~6~~12 months.

3) Business capitalization expenses

- A) "Qualified business capitalization expenses" means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.
- B) "Qualified expenditures" means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.
- C) "Qualified business" means any business that does not contravene any law or public policy (as determined by the Secretary of HHS).
- D) "Qualified plan" means a business plan, or a plan to use a business asset purchased, that:
 - i) Is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

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- ii) Includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and
 - iii) May require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.
- 4g) Transfers to IDAs of family members are amounts paid from an IDA directly into another such account established for the benefit of an eligible individual who is:
- A1) the individual's spouse; or
 - B2) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.
- gh) Moneys in an IDA that are used for the qualified expenses listed in subsection (f) of this Section; shall be matched ~~dollar-for-dollar~~ from the AFI Fund; created as a fund to be held by the Secretary of DHS. Program participants will receive match funds of 1:1 for homeownership accounts. Program participants will receive match funds up to 3:1 for educational accounts, pursuant to funding availability. The AFI Fund is a source of funding from HHS and the Illinois Department of Human Services specifically designated to fund Individual Development Account Initiatives pursuant to provisions of AFIA.
- hi) Not more than \$2,000 of moneys from the AFI Fund shall be provided to any one individual.
- ij) Not more than \$4,000 of moneys from the AFI Fund shall be provided to any one household.
- jk) Persons eligible to open an IDA and to receive AFI Fund moneys are individuals currently residing in Illinois who are:
- 1) Able to demonstrate, via the most recent federal tax return, that they are currently eligible for assistance under the TANF program; or
 - 2) Able to demonstrate:

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- A) via the most recent federal tax return, that the adjusted gross income of their household in the calendar year preceding the determination of eligibility was equal to or less than 200% of the poverty line, as determined by the Federal Office of Management and Budget or the earned income credit, described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household); and
- B) that the net worth of their household, as of the end of the calendar year preceding the determination of eligibility, does not exceed \$10,000, as determined by AFIA section 408(2)(B) and (C).

k) Moneys in an IDA, including accrued interest and matching deposits, shall be disregarded for the purpose of determining the eligibility and benefit level for TANF in the case of the individual establishing the IDA with respect to any period during which the individual maintains or makes contributions into the IDA (see Section 112.151).

l) To be considered fully enrolled in the IDA program, an individual must have:

- 1) Completed a program application;
- 2) Submitted a copy of the previous year's federal tax return;
- 3) Submitted a copy of a credit report issued to him or her during the previous three months;
- 4) Participated in the IDA orientation;
- 5) Completed and signed a participant account agreement; and
- 6) Opened an IDA account at an authorized financial institution.

m) DHS reserves the right to deny applicants that state that their only asset goal is home ownership, if those applicants do not meet the following eligibility thresholds:

- 1) Earned income must exceed 100% of the federaleounty poverty line as

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determined by the [federal](#) Office of Management and Budget; and

2) Credit scores must exceed a FICO (Fair Isaac and Company) score of 515.

[ne](#)) Those individuals who do not meet the credit or income threshold requirement for the IDA homeownership initiative will be provided with the following alternatives:

1) Participation in the IDA microenterprise or continuing education initiative; or

2) Participation in a credit-counseling program.

[op](#)) IDA program participants shall complete basic financial management training to satisfy the federal requirement for this training. Financial education partners can provide either basic financial education or asset specific education to program participants. This training can be offered online, via teleconference, via self-study options, via partner agencies or through direct classroom training. DHS will create a menu of financial education providers that account holders may use to fulfill their financial education requirements. This education will be provided free of charge to program participants.

[pe](#)) IDAs shall only be opened with the permission of DHS. Accounts may be opened via the Internet, with DHS assistance or via a telephone call to a customer representative. DHS staff will provide those individuals who complete orientation with permission to open an account by calling and utilizing a Personal Identification Number.

[qf](#)) Emergency Withdrawals

1) Withdrawals for non-authorized expenses may not be taken from IDAs unless approved, [in writing](#), by a representative from DHS for emergency purposes only. An emergency withdrawal is a withdrawal by an eligible individual that:

A) is a withdrawal of only those funds, or a portion of those funds, deposited by the individual in the IDA of the individual;

B) is permitted by a qualified entity on a case-by-case basis; and

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- C) is made for:
- i) expenses for medical care, or necessary to obtain medical care, for the individual or a spouse or dependent of the individual;
 - ii) payments necessary to prevent the eviction of the individual from the residence of the individual or foreclosure on the mortgage for the principal residence of the individual; or
 - iii) payments necessary to enable the individual to meet necessary living expenses following loss of employment.

- 2) No other participant funds may be available for solving this emergency need. An individual shall reimburse an IDA for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. Participants that request more than one emergency withdrawal from their IDA in a calendar year will be removed from the IDA program. These participants will forfeit their right to participate in this program in the future. Program participants that make unauthorized withdrawals from their IDAs will be removed from the IDA program and will forfeit their right to participate in this program in the future. Under no circumstances, and at no time, shall an IDA holder lose the ability to withdraw moneys from his or her IDA.

| [rs](#)) DHS will set up a sweep account to manage electronic withdrawals from participant checking and savings accounts to IDAs. These accounts will carry no balance and will serve solely as a facilitator of the electronic funds transfer process.

| [st](#)) IDAs will be set up to draft program participant's primary bank accounts on a date agreed upon by the account holder. This process will ensure timely deposits to accounts and decrease the need for social service intervention with account holders. All accounts will utilize this feature to gather participant deposits.

| [tt](#)) Program participants will be eligible to withdraw moneys from an IDA for eligible post-secondary education expenses and business capitalization expenses if

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they have participated in the program for six months and have fulfilled the financial education requirements listed in subsection (~~op~~) of this Section. Program participants will be eligible to withdraw money from an IDA for a first-time home purchase if they have participated in the program for ~~6+2~~ months and have fulfilled the financial education requirements listed in subsection (~~op~~) of this Section. Program participants may then complete an approved Withdrawal Request Form and submit it to the DHS Project Director. Once approved by the Project Director, the Director will submit a request that can be used for making a purchase. The request for a transfer of funds from the AFI Fund must be signed by two representatives of DHS. One of these representatives must be the DHS Chief Financial Officer.

- ~~uv~~) All vendors will receive payment from a participant's IDA and the corresponding matching funds owed from the match funds pool. Match funds will be sent to the vendor from whom the participant is purchasing the asset. DHS will be responsible for keeping written records of funds transferred and assets purchased.
- ~~vw~~) Program participants will need to submit a separate request for each qualified asset purchase. The provisions of subsection (~~tu~~) of this Section shall apply when paying asset vendors for multiple qualified asset purchases. Purchase requests will be processed within five working days after receipt of a completed purchase requisition. A complete purchase requisition shall consist of a participant Withdrawal Request Form and a purchase order with a vendor clearly identified as the authorized payee.
- ~~wx~~) An IDA holder shall have a 36-month period, beginning on the date DHS authorizes the holder to open the IDA, within which to make a qualified purchase.

(Source: Amended at 32 Ill. Reg. 17167, effective October 20, 2008)

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
113.253	Amendment
113.260	Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- 5) Effective Date of Amendments: October 16, 2008
- 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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 2642; February 2, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all 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 on this Part? No
- 15) Summary and Purpose of Rulemaking: A grant adjustment is an allowance for the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with federal regulations at 20 CFR 416.2096, this rulemaking increases the grant adjustment and sheltered care/personal or nursing care rate amounts by the amount of the

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increase in Social Security and SSI benefits. In order to maintain the benefit levels, these changes increase the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care rates by \$14.00, the amount of the January 2008 SSA/SSI benefit increase.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

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- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter

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113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

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- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

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October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

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effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

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emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for ~~\$458.90444.90~~ is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized. Individuals residing in long term group care facilities do not receive any "grant adjustment".

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(Source: Amended at 32 Ill. Reg. 17187, effective October 16, 2008)

Section 113.260 Sheltered Care, Personal Care or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
10341020	0-7	10471033
10391025	8	10541040
10451031	9	10601046
10501036	10	10671053
10561042	11	10741060
10611047	12	10801066
10671053	13	10871073
10721058	14	10931079
10781064	15	11001086
10831069	16	11071093
10891075	17	11131099
10941080	18	11201106
11001086	19	11261112
11051091	20	11331119
11111097	21	11401126
11161102	22	11461132

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11224408	23	11534439
11274413	24	11594445

- a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group B Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

(Source: Amended at 32 Ill. Reg. 17187, effective October 16, 2008)

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- 1) Heading of the Part: Boiler and Pressure Vessel Safety Rules
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
120.10	Amendment
120.11	Amendment
120.20	Amendment
120.105	Repealed
120.205	Repealed
120.1260	Amendment
120.1270	Amendment
- 4) Statutory Authority: Authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [432 ILCS 75/2 and 2.1]
- 5) Effective Date of Amendments: October 16, 2008
- 6) Does the rulemaking include an automatic repealer date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register: May 16, 2008; 32 Ill. Reg. 7559
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposed and final versions: No substantive differences
- 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 on this Part? No

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- 15) Summary and Purpose of Amendments: The amendments are intended to carry out the requirements of the Illinois Boiler and Pressure Vessel Safety Act.
- 16) Information and questions regarding these adopted amendments shall be directed to:

David Douin
Division of Boiler and Pressure Vessel Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217/558-1320

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 120

BOILER AND PRESSURE VESSEL SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section

120.4	Foreward (Repealed)
120.7	Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10	Definitions
120.11	Incorporation of National Standards
120.15	Fees
120.20	Administration
120.30	Inspectors, Examinations, Certificate of Competency and Commission
120.41	Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION,
MAINTENANCE, AND USE

Section

120.100	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105	Boiler Exemptions (Repealed)
120.200	New Installations of Pressure Vessels
120.205	Pressure Vessel Exemptions (Repealed)
120.300	Existing Installations of Power Boilers
120.400	Existing Installations of Miniature Boilers (Repealed)
120.500	Operation of Boilers and Pressure Vessels
120.600	Existing Installation of Pressure Vessels
120.700	General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800	Nuclear Power Plant Components (Repealed)
120.900	Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section

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- 120.1000 Repairs and Alterations to Boilers and Pressure Vessels by Welding
- 120.1010 Authorization to Repair Boilers and Pressure Vessels
- 120.1020 Issuance and Renewal of the Certificate
- 120.1030 Changes to Certificates of Authorization
- 120.1040 Quality Control Requirements
- 120.1041 Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

Section

- 120.1100 Procedure for the Issuance of a State Special Permit

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section

- 120.1200 Authorization for Repair of Safety & Safety Relief Valves
- 120.1210 Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
- 120.1220 Issuance and Renewal of the Certificate
- 120.1240 Changes to Certificates of Authorization
- 120.1250 Repairs to Safety and Safety Relief Valves
- 120.1260 Quality Control System
- 120.1270 Nameplates
- 120.1275 Field Repair
- 120.1280 Performance Testing of Repaired Valves
- 120.1285 Training of Valve Repair Personnel
- 120.1290 ASME "V", "UV" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section

- 120.1300 Introduction
- 120.1301 Authority and Responsibility
- 120.1305 Organization
- 120.1310 Inservice Inspection Program
- 120.1320 Drawings, Design Calculations, and Specification Control
- 120.1325 Material Control
- 120.1330 Examination and Inspection Program
- 120.1335 Correction of Nonconformities

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120.1340 Welding
120.1345 Nondestructive Examination
120.1350 Calibration of Measurement and Test Equipment
120.1355 Records
120.1360 Inspectors

120.APPENDIX A Operational and Maintenance Log
 120.EXHIBIT A Hot Water Heating Boilers
 120.EXHIBIT B Steam Heating Boilers
120.APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. 18555, effective December 7, 2000; amended at 25 Ill. Reg. 11914, effective January 1, 2002; amended at 27 Ill. Reg. 518, effective January 01, 2003; emergency amendment at 27 Ill. Reg. 14855, effective September 2, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1737, effective January 13, 2004; amended at 28 Ill. Reg. 13509, effective September 24, 2004; amended at 32 Ill. Reg. 17198, effective October 16, 2008.

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section 120.10 Definitions

Act or the Act ~~_ means~~ the Boiler and Pressure Vessel Safety Act [430 ILCS 75].

Alteration ~~_ means~~ any change in the item described on the original Manufacturers' Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel shall be considered an alteration. A reduction in

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minimum temperature such that additional mechanical tests are required shall also be considered an alteration.

~~API 510 – the code for the maintenance, inspection, repair, alteration and re-rating of pressure vessels published by the American Petroleum Institute. API 510 means the Maintenance, Inspection, Rating, Repair and Alteration of Pressure Vessels as published by the American Petroleum Institute.~~

Approved ~~– means~~ approved by the Board of Boiler and Pressure Vessel Rules.

ASME Code ~~– means~~ the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with ~~such~~ revisions, amendments and interpretations ~~thereof as are~~ made, approved and adopted by the Council of the Society and approved and adopted by the Board. Copies of the Code may be obtained from ~~thesaid~~ Society at Three Park Avenue, New York NY 10016-5990, 345 E. 47th Street, New York, New York 10017.

Authorized Inspection Agency ~~– means~~ one of the following:

A department or division established by a jurisdiction ~~that~~which has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors;

~~An inspection agency of an insurance company which is authorized (licensed) to insure and is insuring boilers and pressure vessels in those jurisdictions which have examined the agency's inspectors to represent such jurisdictions as is evident by the issuance of a valid Certificate of Competency to the inspector; or~~

An insurance company authorized by the jurisdiction to insure boilers and pressure vessels that employs special inspectors who have met the requirements of this Part; or

An ~~owner-user~~owner or user of boilers and pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements ~~of established by the Board and contained in~~ this Part.

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Authorized Repairer ~~_ means~~ a holder of a Certificate of Registration issued pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Board ~~_ means~~ the Board of Boiler and Pressure Vessel Rules created by the Act and empowered to make, alter, amend and interpret rules and regulations for the safe construction, installation, inspection, alteration, and repair of boilers and pressure vessels and for establishing fees.

Boiler ~~_ means~~ a vessel intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, or waste gases.

Certificate Inspection ~~_ means~~ an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding or revoking the inspection certificate. The Certificate Inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

Certificate of Competency ~~_ means~~ a certificate issued to a person who has passed the examination and meets all other requirements of this Part, as prescribed by the Board.

Certificate of Registration ~~_ means~~ a certificate issued by the Office pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Commission, ~~National Board~~ ~~_ means~~ the commission issued by the National Board to a holder of a Certificate of Competency who desires to make shop inspections or field inspections in accordance with the National Board bylaws and whose employer submits the inspector's application to the National Board for the commission.

Condemned Boiler or Pressure Vessel ~~_ means~~ a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by the Chief or Deputy Inspector.

Division ~~_ means~~ the Division of Boiler & Pressure Vessel Safety.

Electric Boiler ~~_ means~~ a boiler in which the source of heat is electricity.

Engineer ~~_ means~~ a registered professional engineer registered in accordance with

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the Illinois Professional Engineering Act [225 ILCS 325] or a person who graduated from an accredited college or university and either:

holds a mechanical engineering degree, or

has five years experience in a related field (e.g., civil engineering, ~~metallurgical~~~~metalurgical~~ engineering, industrial engineering, design engineering, maintenance engineering, project engineering or construction, maintenance, repair or operation of high pressure boilers and pressure vessels).

Existing Installation ~~— means and~~ includes:

Any boiler installed and placed in operation within the State of Illinois before May 1, 1953.

Any hot water supply boiler installed and placed in operation within the State of Illinois on or before July 9, 1957.

Any pressure vessel installed and placed in operation within the State of Illinois on or before December 31, 1976.

External Inspection ~~— means~~ an inspection made when a boiler or pressure vessel is in operation, if possible.

Heating Boiler ~~— means~~ a steam boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet.

High Pressure Boiler ~~— means~~ a boiler ~~generating steam~~~~where steam is generated~~ at a pressure in excess of 15 psig or a water boiler operated in excess of 160 psig and/or temperatures in excess of 250° F.

High-Temperature Water Boiler ~~— means~~ a water boiler operating at pressures exceeding 160 psig and/or temperatures exceeding 250° F. at or near the boiler outlet.

Hot ~~Water Supply Boiler~~~~water supply boiler~~ ~~— means~~ a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at

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pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet, except those exempted pursuant to the Boiler and Pressure Vessel Safety Act and this Part.

Inspection Certificate ~~— means~~ a certification issued by the Chief Inspector for the operation of a boiler or pressure vessel, as required by the Act.

Inspector ~~— means~~ the Chief Inspector or Deputy Inspector or Special Inspector or Owner-User Inspector.

Chief Inspector ~~— means~~ the Chief Boiler and Pressure Vessel Inspector employed under the Act.

Deputy Inspector ~~— means~~ any inspector employed under the provisions of the Act.

Special Inspector ~~— means~~ an inspector holding an Illinois Certificate of Competency and who is regularly employed by an insurance company authorized to write boiler and pressure vessel insurance in this State.

Owner-User Inspector ~~— means~~ an inspector described in Section 120.1360 continuously employed as an inspector by an Owner-User Inspection Agency.

Internal Inspection ~~— means~~ as complete an examination as can reasonably be made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the inspector.

Jurisdiction ~~— means~~ a state, commonwealth, county or municipality of the United States or a province of Canada ~~that which~~ has adopted one or more sections of the ASME Code and maintains a duly constituted Department, Bureau, or Division for the purpose of enforcement of ~~the such~~ Code. In Illinois, the Division of Boiler and Pressure Vessel Safety is the jurisdiction, except for the City of Chicago.

Lined Potable Water Heater ~~— shall mean~~ a water heater, with a corrosion resistant lining, used to supply potable hot water.

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Low Pressure Boiler ~~— means~~ a steam boiler operated at pressures not exceeding 15 psig or a hot water boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F.

Miniature Boiler ~~— means~~ any boiler that which does not exceed any of the following limits:

16 inches inside diameter of shell;

20 square feet heating surface;

5 cubic feet gross volume, exclusive of casing and insulation;

100 psig maximum allowable working pressure.

National Board Inspection Code or NBIC ~~— means~~ the Manual for Boiler and Pressure Vessel Inspectors published by the National Board. The NBIC is developed under the ANSI consensus process. Copies of the ~~NBIC Code~~ may be obtained from the National Board.

National Board ~~— means~~ the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the Chief Inspectors of jurisdictions who are charged with the enforcement of the boiler and pressure vessel laws within their respective jurisdictions provisions of the ASME Code.

Nationally Recognized Testing Agency – an organization concerned with product evaluation that provides uniform testing, examination, listing and labeling under established, nationally recognized standards.

New Boiler Installations ~~— means and includes~~ all boilers constructed, installed and placed in operation within the State of Illinois after May 1, 1953, and all hot water supply boilers installed and placed in operation after July 9, 1957.

New Pressure Vessel Installations ~~— means and includes any~~ pressure ~~vessels~~ vessel installed and placed in operation within the State of Illinois after December 31, 1976.

Non-Standard Boiler or Pressure Vessel ~~— means~~ a boiler or pressure vessel that

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does not bear the ASME [Code Symbol](#) Stamp ~~or the API ASME Stamp~~.

Office ~~_ means~~ the Office of the State Fire Marshal.

Operator ~~_ means~~ any individual who has charge of a boiler or pressure vessel as defined by the Act, and whose duties include operation and maintenance of such devices.

Owner or User ~~_ means~~ any person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel within the State.

Owner-User ~~_ means~~ an owner and user qualified under Section 15 of the Act.

Place of Public Assembly ~~_ means~~ a building or specific area, including outdoor areas, in which persons assemble for civic, educational, religious, social or recreational purposes or ~~that which~~ is provided by a common carrier for passengers awaiting transportation or in which persons are housed to receive medical, charitable or other care or treatment, or are held or detained for public, civic or correctional purposes.

Portable Boiler ~~_ means~~ an internally fired boiler ~~which is~~ primarily intended for temporary location and the construction and usage of which permits it to be readily moved from one location to another.

Power Boiler ~~_ means~~ a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes a high-pressure, high-temperature water boiler.

Pressure Vessel ~~_ means~~ a vessel in which pressure is obtained from an external source, or by the application of heat from an indirect source or from a direct source other than those boilers ~~as~~ defined [in this Section above](#).

PSIG ~~_ means~~ pounds per square inch gauge.

Reinstalled Boiler or Pressure Vessel ~~_ means~~ a boiler or pressure vessel removed from its original setting and reinstalled at the same location within the State of Illinois or at a new location without change of ownership.

Relief Valve ~~_ means~~ an automatic pressure relieving device actuated by the static

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pressure upstream of the valve ~~that~~which opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

Repair ~~_ means~~ work necessary to return a boiler or pressure vessel to a safe operating condition.

~~Re-rating~~Re-rating ~~_ means~~ a change in the maximum allowable working pressure or temperature of a boiler or pressure vessel, regardless of whether ~~or not~~ physical work is performed on the boiler or pressure vessel. ~~Re-rating~~Re-rating shall be considered an alteration.

Safety Relief Valve ~~_ means~~ an automatic pressure actuated relieving device suitable for use as a safety or relief valve, depending on application.

Safety Valve ~~_ means~~ an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is used for gas or vapor service.

Secondhand Boiler or Pressure Vessel ~~_ means~~ a boiler or pressure vessel ~~that~~which has changed both location and ownership since primary use.

Standard Boiler or Pressure Vessel ~~_ means~~ a boiler or pressure vessel ~~that~~which bears the ASME Code Symbol ~~Stamp~~.

State Special ~~_ means~~ a ~~boiler or~~ pressure vessel of special construction that may not be constructed in accordance with the ASME Code. See ~~Subpart E~~, Section 120.1100 of this Part, for the procedures for granting a State Special.

~~Underwriters Laboratories (U.L.) means a non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.~~

Welding or Arc Welding ~~_ means~~ a group of welding processes ~~in which~~wherein coalescence is produced by heating with an arc or arcs, with or without the application of pressure, and with or without the use of filler metal.

(Source: Amended at 32 Ill. Reg. 17198, effective October 16, 2008)

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Section 120.11 Incorporation of National Standards

a) Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

ba) The Board hereby adopts the following nationally recognized standards and addenda:

1) [American Petroleum Institute \(API\)](#)
[1220 L Street, Northwest](#)
[Washington DC 20005](#)

[API-510, Eighth Edition, First Supplement, API Recommended Practice for Inspection, Repair, and Rating of Pressure Vessels in Petroleum Refining Service](#)

2) [American Society of Mechanical Engineers \(ASME\)](#)
[United Engineering Center](#)
[Three Park Avenue](#)
[New York NY 10017](#)
[www.asme.org](#)

A) [ASME Boiler and Pressure Vessel Code, 2007 Edition](#)

[Section I](#) [Power Boilers](#)

[Section II](#) [Material Specifications – Part A – Ferrous](#)

[Section II](#) [Material Specifications – Part B – Nonferrous](#)

[Section II](#) [Material Specifications – Part C – Welding Rods, Electrodes and Filler Metals](#)

[Section II](#) [Material Specifications – Part D – Properties](#)

[Section IV](#) [Heating Boilers](#)

[Section V](#) [Nondestructive Examination](#)

[Section VI](#) [Recommended Rules for Care and Operation of Heating Boilers](#)

[Section VII](#) [Recommended Rules for Care of Power Boilers](#)

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Section VIII	Pressure Vessels – Division 1, Including Appendix M
Section VIII	Pressure Vessels – Division 2 – Alternative Rules
Section VIII	Pressure Vessels – Division 3 – Alternative Rules for High Pressure Vessels
Section IX	Welding and Brazing Qualifications
Section X	Fiberglass-Reinforced Plastic Pressure Vessels

[B\)](#) ASME CSD-1 ~~2004-a-1998~~ – Controls and Safety Devices for Automatically Fired Boilers

[3\)](#) [National Board of Boiler and Pressure Vessel Inspectors \(NB\)](#)
[1055 Crupper Avenue](#)
[Columbus OH 43229](#)
[www.nationalboard.org](#)

[Inspection Code, 2007 Edition](#)

[4\)](#) [National Fire Protection Association \(NFPA\)](#)
[1 Batterymarch Park](#)
[Quincy MA 02269-9101](#)
[www.nfpa.org](#)

[NFPA 85](#) [Boilers and Combustion System Hazard Code, 2004 Edition](#)

~~NFPA 8501-97~~ ~~Single Burner Boilers—Furnaces~~

~~NFPA 8502-99~~ ~~Multiple Burner Boilers—Furnaces~~

~~NFPA 8503-97~~ ~~Pulverized Fuel Systems~~

~~ASME Boiler and Pressure Vessel Code (2001) with 2003 addenda~~

~~Section I~~ ~~Power Boilers~~

~~Section II~~ ~~Material Specifications—Part A—Ferrous~~

~~Section II~~ ~~Material Specifications—Part B—Nonferrous~~

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~~Section II~~ ~~Material Specifications—Part C—Welding Rods,
Electrodes and Fillers Metals~~

~~Section II~~ ~~Material Specifications—Part D—Properties~~

~~Section IV~~ ~~Heating Boilers~~

~~Section V~~ ~~Nondestructive Examination~~

~~Section VI~~ ~~Recommended Rules for Care and Operation of
Heating Boilers~~

~~Section VII~~ ~~Recommended Rules for Care of Power
Boilers~~

~~Section VIII~~ ~~Pressure Vessels—Division 1 Including Appendix
M~~

~~Section VIII~~ ~~Pressure Vessels—Division 2—Alternative Rules~~

~~Section VIII~~ ~~Pressure Vessels—Division 3—Alternative Rules
for High Pressure Vessels~~

~~Section IX~~ ~~Welding and Brazing Qualifications~~

~~Section X~~ ~~Fiberglass—Reinforced Plastic Pressure Vessels~~

~~National Board of Boiler & Pressure Vessel Inspectors
Inspection Code (2001) with 2003 addenda~~

~~American Petroleum Institute~~

~~API-510, Eighth Edition, First Supplement, "API Recommended Practice
for Inspection, Repair, and Rating of Pressure Vessels in Petroleum
Refining Service"~~

~~API— American Petroleum Institute
1220 L Street, Northwest
Washington, D.C. 2005
www.api.org~~

~~ASME— American Society of Mechanical Engineers
United Engineering Center
345 East 47th Street
New York, New York 10017
www.asme.org~~

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~~NB— National Board of Boiler & Pressure Vessel Inspectors
1055 Crupper Avenue
Columbus, Ohio 43229
www.nationalboard.org~~

~~NFPA— National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269-9101
www.nfpa.org~~

(Source: Amended at 32 Ill. Reg. 17198, effective October 16, 2008)

Section 120.20 Administration

- a) Applying State Serial Number. The State serial number on boilers shall be not less than $\frac{5}{16}$ " in height and shall be preceded by the letters "ILL", which shall also be not less than $\frac{5}{16}$ " in height. Boilers will be identified by a five digit number. The State serial number on pressure vessels shall be not less than $\frac{5}{16}$ " in height and shall be preceded by the letters "ILL" and the letter "U", which also shall be not less than $\frac{5}{16}$ " in height. Pressure vessels will be identified by a six digit number. The ~~inspector~~Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel at the time of inspection.
- b) First Time Inspection. Effective January 1, 1999, all first time inspections of boilers and pressure vessels shall be performed by the Chief or a Deputy Inspector employed by the Division.
- c) Basis for Extending Certificate:
 - 1) The Chief Inspector is authorized to extend, for a period not exceeding one year, the time within which power boilers are required to be internally inspected, subject to the following conditions and qualifications:
 - A) The analysis and treatment of feedwater for ~~such~~power boilers shall be under the supervision of a person qualified in the field of water chemistry.
 - B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating,

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encrusting and sludging factors affecting the safety of the boiler.

- 2) The owner or user of ~~such~~ power boilers must maintain, for examination by the inspector, accurate records of ~~such~~ chemical and physical laboratory ~~analyses~~ analysis of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records must specify dates and times of analyses, by whom analyzed, and the treatment applied at that time, and should be certified by the responsible authority. These records will adequately show the conditions of ~~the~~ such water and any constituents or characteristics ~~that~~ which are capable of producing corrosion or other deterioration of the boiler or its parts.
 - 3) The Chief Inspector is authorized to review the qualifications of the supervisor and the acceptability of supervision in accordance with the foregoing.
 - 4) Application for extension shall be by letter setting forth facts establishing compliance with the foregoing conditions and qualifications, and shall be accompanied by the report of external inspection.
- d) Unsafe Boilers or Pressure Vessels. Any boiler or pressure vessel having been inspected and declared unsafe by an inspector shall have the Inspection Certificate suspended.
- e) Factors of Safety for Existing Installations. An inspector shall increase the factors of safety if the condition of a boiler or pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the Board.
- f) Frequency of Inspection of Boilers and Pressure Vessels-
- 1) Power boilers and high temperature water boilers shall receive a certificate inspection annually, which shall be an internal inspection where conditions permit. Such boilers shall also be inspected externally annually while under representative operating conditions, if possible.
 - 2) Low pressure steam and hot water heating boilers and hot water supply boilers ~~shall be inspected both internally and externally every two years~~

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~~where conditions permit and~~ shall receive a certificate inspection every two years. Groups of heating and hot water supply boilers connected together shall be registered as one unit and receive one Inspection Certificate when the following conditions are met:

- A) No unit exceeds 400,000 BTU input;
 - B) All units being considered in the assembled modular unit are connected to a common header or manifold; and
 - C) No more than 8 units can be grouped together and registered as one unit.
- 3) Inspection of the flame safeguard equipment shall be in conjunction with the regular inspections of boilers.
- 4) Pressure vessels subject to internal corrosion shall receive a certificate inspection every three years. This inspection shall be external and internal where conditions permit. However, owner-users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the NBIC for inspection intervals.
- 5) Pressure vessels not subject to internal corrosion shall receive a certificate inspection every three years. However, owner-users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the NBIC for inspection intervals.
- g) Inspection and Inspection Certificate Fees-
- 1) If a boiler or pressure vessel shall, upon inspection, be found to be suitable and to conform to this Part, the owner or user shall pay the fees ~~as~~ established by the Board for each boiler and pressure vessel inspected before an Inspection Certificate shall be issued.
 - 2) If the owner or user of each boiler or pressure vessel required to be inspected refuses or fails to allow an inspection to be made or refuses or fails to pay the appropriate fees, the Inspection Certificate shall be suspended by the Chief Inspector until the owner or user complies with the requirements.

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- 3) The owner or user who causes a boiler or pressure vessel to be operated without a valid Inspection Certificate shall be subject to the penalty ~~as~~ provided in the Act.
- h) Inspectors to Have ~~None~~ Other Interests. It is prohibited for any employee of the Division of Boiler and Pressure Vessel Safety to accept any compensation or remuneration from any source for acting as a ~~consultant, engineer, safety engineer, safety specialist~~~~Consultant, Engineer, Safety Engineer, Safety Specialist~~, etc., or under any other title. Employees of this Division shall not be engaged in the sale of any article or device that is related to boilers or pressure vessels and shall devote their full time to inspection work.
- i) Installing Used or Second-hand Boilers or Pressure Vessels. A certificate inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation in this State. ~~When~~~~In a case where~~ a boiler or pressure vessel is moved and reinstalled, the fittings and appurtenances shall be upgraded to comply with the rules for new installations.
- j) Inspectors to Notify Chief Inspector of ~~Defective Boilers~~~~defective boilers~~ and ~~Pressure Vessels~~~~pressure vessels~~. If an inspector finds that a boiler or pressure vessel or any of the appurtenances are in an unsafe condition, the inspector shall immediately notify the Chief Inspector and submit a report of the defects.
- k) Insurance Agencies to Notify the Chief Inspector of New, Cancelled or Suspended Risks. All ~~insurance agencies~~~~Insurance Agencies~~ shall notify the Chief Inspector within 30 days of all boiler or pressure vessel risks written, cancelled, not renewed or suspended in Illinois.
- l) Manufacturers Data Reports to ~~be~~~~Be~~ Filed. Effective January 1, 1974, Manufacturers Data Reports on boilers and, as amended December 31, 1976, for pressure vessels, ~~that~~~~which~~ are to be installed in the State of Illinois (unless otherwise exempted by this Part) shall be filed with the Chief Inspector through the National Board. ~~Each~~~~It is intended that each~~ boiler and pressure vessel ~~for which a report is~~~~so~~ filed should be assigned a National Board number.
- m) Boilers and Pressure Vessels without ASME Stamping. If the boiler or pressure vessel does not bear the ASME ~~stamp~~~~stamping~~, then the drawings, data and material showing all details of construction shall be submitted to the Chief

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Inspector and ~~the Chief Inspector's~~~~his~~ approval ~~shall be~~ obtained before installation in this State. The Chief Inspector shall grant ~~his~~ approval if the construction, materials and inspection requirements meet the rules, except for ASME ~~stamp~~~~stamping~~.

- n) Notification of Inspection. The owner or user shall prepare each boiler or pressure vessel for internal inspection and shall prepare for and apply a hydrostatic test whenever necessary, on the date specified by an inspector, which ~~date~~ shall be not less than 7 days after the date of notification.
- o) Owner to Notify Chief Inspector in Case of Accident. Any owner or user, which includes any person, firm, partnership, corporation, or governmental entity, that knowingly fails to notify the Chief Inspector within 24 hours, or on the next business day, of an accident, explosion, event, or incident that serves to render a boiler or pressure vessel inoperative because of damage or failure or that involves any bodily injury or death to any person is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or governmental entity.
- p) Penalties. Any person, firm, partnership or corporation violating any of the provisions of this Part shall be subject to the penalties provided in the Boiler and Pressure Vessel Safety Act.
- q) Registration of Boilers and Pressure Vessels. All owners or users of boilers and pressure vessels subject to the Act now in use or installed ready for use in the State of Illinois shall notify the Chief Inspector in writing giving the location, type, capacity, age and date of installation.
- r) Removal of Safety Appliances.
 - 1) No person, except under the direction of an inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.
 - 2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.

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- s) Stamping of Boilers and Pressure Vessels. Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. The number will be assigned by the Chief Inspector and applied to the boiler or pressure vessel by the inspector at the time of inspection. Also, the Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the inspector.
- t) Submission of Inspection Reports. Inspection Reports to be submitted by Special Inspectors:
- 1) Inspection Reports shall be submitted within 1030 days from the date of inspection.
 - 2) All Inspection Reports shall be completed with all pertinent information as required, including location and actual conditions observed.
 - 3) A 90 day period beyond the expiration date marked on the Inspection Certificate will be used in determining boilers and pressure vessels past due for inspection for divisional reporting purposes. This 90 day period is for the administrative processing of inspection reports, invoices and Inspection Certificates. Inspections shall be performed prior to the expiration date on the Inspection Certificate.
 - 4)3) Validity of Inspection Certificate. ~~No Inspection Certificate issued for a boiler or pressure vessel inspected by a Special Inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a duly authorized insurance company.~~ The Chief Inspector may at any time suspend an Inspection Certificate when the boiler or pressure vessel for which it was issued may not continue to be operated without menace to public safety, or when the boiler or pressure vessel is found not to comply with this Part. A Special Inspector shall have authority to request suspension of an Inspection Certificate for boilers or pressure vessels insured by the employing company. ~~Suspension~~ Sueh suspension of an Inspection Certificate shall continue in effect until ~~thesueh~~ boiler or pressure vessel has~~shall have~~ been made to conform to this Part.

(Source: Amended at 32 Ill. Reg. 17198, effective October 16, 2008)

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SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION,
MAINTENANCE, AND USE**Section 120.105 Boiler Exemptions (Repealed)**

~~The following boilers shall be exempt from registration and inspection as required by this Part:~~

- a) ~~Boilers exempted pursuant to Section 5 of the Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1991, ch. 111½, par. 3206, as amended by PA 87-1169) [430 ILCS 75/5, as amended by PA 87-1169].~~
- b) ~~Hot water supply boilers which are directly fired with oil, gas or electricity when none of the following limitations are exceeded:~~
 - 1) ~~Heat input of 200,000 BTU per hour.~~
 - 2) ~~Water temperature of 200 degrees Fahrenheit.~~
 - 3) ~~Nominal water containing capacity of 120 U.S. gallons.~~
- e) ~~Coil type hot water boilers where the water can flash into steam when released directly to the atmosphere through a manually operated nozzle provided the following conditions are met:~~
 - 1) ~~There is no drum, headers or other steam space.~~
 - 2) ~~No steam is generated within the coil.~~
 - 3) ~~Outside diameter of tubing does not exceed 1 inch.~~
 - 4) ~~Pipe size does not exceed ¾ inch NPS.~~
 - 5) ~~Water capacity of unit does not exceed 6 U.S. gallons.~~
 - 6) ~~Water temperature does not exceed 350 degrees Fahrenheit.~~

(Source: Repealed at 32 Ill. Reg. 17198, effective October 16, 2008)

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Section 120.205 Pressure Vessel Exemptions (Repealed)

~~The following pressure vessels shall be exempt from registration and inspection as required by this Part.~~

- ~~a) Pressure vessels exempt pursuant to Section 5 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/5].~~
- ~~b) Pressure vessels operated at a pressure not exceeding 15 psig with no limitations on size.~~
- ~~c) Pressure vessels that do not exceed:
 - ~~1) A volume of 15 cubic feet and 250 psig when not located in a place of public assembly.~~
 - ~~2) A volume of 5 cubic feet and 250 psig when located in a place of public assembly.~~
 - ~~3) A volume of 1 ½ cubic feet or an inside diameter of 6 inches with no limitation on pressure.~~~~
- ~~d) Those classes of vessels not within the scope of ASME Code Section VIII, Division 1 as defined in the introduction under paragraph U-1.~~
- ~~e) Water conditioning equipment used for the removal of minerals, chemicals or organic or inorganic particulates from water by means other than application of heat; e.g., water softeners, water filters, dealkalizers and demineralizers.~~

(Source: Repealed at 32 Ill. Reg. 17198, effective October 16, 2008)

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section 120.1260 Quality Control System

- a) General
 - 1) Before issuance or renewal of the Certificate of Authorization, the applicant must meet all requirements, including an acceptable written

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Quality Control System ~~that~~which shall include, but not be limited to, material control, fabrication, welding, nondestructive examination, testing and inspection.

- 2) The written Quality Control System shall also include provisions for making revisions, posting and dating changes in the program, enabling the system to be kept current as required.
 - 3) The description and information of the system may be brief or voluminous, depending upon: ~~the circumstances.~~
 - A) whether the organization's quality control manual accurately describes who is responsible for maintaining quality control; and
 - B) the size of the company holding the authorization and the number of employees assigned specific quality control duties.
 - 4) In general, the Quality Control System shall describe and explain what documents and procedures the repair firm will use to validate a valve repair.
 - 5) A review of the applicant's Quality Control System will be performed by a representative of the Division. The review will include a demonstration of the implementation of the provisions of the applicant's Quality Control ~~System~~system.
 - 6) Each applicant to whom a Certificate of Authorization is issued shall maintain thereafter an up to date copy of ~~its~~his accepted Quality Control System Manual with the Division. Revisions to the Quality Control System Manual shall not be implemented until ~~the~~sueh revisions are accepted by the Division.
- b) The following are the minimum requirements of the Division for a written Quality Control System for repairs of ASME safety and safety relief valves. It is essential that each valve repair organization develop its own Quality Control System ~~that~~which meets the requirements of its organization. For this reason, it is not possible to develop one Quality Control System ~~that~~which could apply to more than one organization. Some of these requirements are:

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- 1) Title Page – The title page shall include the name and address of the company to which the Certificate of Authorization is to be issued. It shall also list the Sections of the ASME Code to which the repairs will apply.
- 2) Revision Log – A revision log is required to assure revision control of the Quality Control System Manual. The log shall contain sufficient space for date, description and section of revision, company approval and Division acceptance.
- 3) Contents ~~Page~~page – The contents page shall list and reference, by paragraph and page number, the subjects and exhibits contained in the manual~~therein~~.
- 4) Statement of Authority and Responsibility – A statement of authority and responsibility shall appear on company letterhead, dated and signed by an officer of the company verifying the following:
 - A) If there is a disagreement in the implementation of the written Quality Control System, the matter is referred to a higher authority in the company for resolution; and
 - B) The title of the individual authorized to approve revisions to the written Quality Control System and the method by which such revisions are to be submitted to the Division for acceptance before implementation.
- 5) Organizational Chart – The organizational chart shall include all departments or divisions within the company that perform functions affecting the quality of the valve repair and show the relationship among the various departments or divisions.
- 6) Scope of Work – The scope of work section shall clearly indicate the scope and type of valve repairs the organization is capable of and intends to carry out, and shall include the type and sizes of valves that~~which~~ can be repaired. In addition, the testing media (steam, air, water, etc.) and pressure ranges should be included. The scope can be limited by engineering, machine tools, welding processes, heat treatment facilities, testing facilities, non-destructive examination (NDE) techniques or qualified personnel.

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- 7) Drawings and Specification Control – The drawings and specification control system shall provide procedures assuring that the latest applicable drawings, specifications and [manufacturer's available](#) instructions required are used for valve repair, inspection and testing.
- A) Specific reference shall be made to the materials used for the repair of the various valve parts (PG-73.2.3, Section I and UG-136(b)(3), Section VIII, Division 1 of the ASME Code).
 - B) Mechanical requirements shall comply with the ASME Code. See applicable Code Section.
- 8) Material and Part Control – The material and part control section shall describe procurement of parts from the [original](#) valve manufacturer [or their designated representative](#), if applicable, and of material with request for mill test certification as required. It shall also describe receiving, storage and issuance, as well as the following:
- A) State the title of the individual responsible for the procurement of all material and parts.
 - B) State the title of the individual responsible for certification and other records as required.
 - C) All incoming material and parts shall be checked for conformance with the purchase order and, [whenwhere](#) applicable, the material specifications or drawings. Indicate how [the](#) material or part is identified and how [identityidentity](#) is maintained by the Quality Control System.
 - D) All critical parts shall be fabricated by the valve manufacturer ~~or to his specifications~~. Critical parts are defined as any part [thatwhich](#) may affect the flow passage, capacity, pressure rating or valve function.
- 9) Repair and Inspection Program – The repair and inspection program section shall include reference to a document (such as a report, traveler or checklist) [thatwhich](#) outlines the specific repair and inspection procedures

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to be used in the repair of safety and safety relief valves. Provisions shall be made to retain this document for a period of at least five years as a part of quality control traceability documents.

- A) Each valve or group of valves shall be accompanied by the document referred to in subsection (b)(9)above for processing through the plant.
 - B) The document referred to in subsection (b)(9)above shall include material check, reference to items such as the welding procedure specifications (WPS), fit-ups, NDE technique, heat treatment, and pressure test methods to be used. There shall be a space for "sign-offs" at each operation to verify that each step has been properly performed for each valve.
 - C) The system shall include a method of controlling the repair or replacement of critical valve parts. The method of identifying each spring shall be indicated.
- 10) Welding, NDE and Heat Treatment (when applicable) – When welded repairs are made by the Certificate holder, the Quality Control System Manual shall indicate the title of the person(s) responsible for the development and approval of the welding procedure specifications and their qualifications, and the qualifications of welders and welding operators. Welding procedures specifications and welders and welding operators shall be qualified under the requirements of the ASME Boiler and Pressure Vessel Code, Section IX. Similarly, NDE and heat treatment techniques must be covered in the Quality Control System Manual. When outside services are used, the Quality Control System Manual shall describe the system by which, ~~whereby~~ the use of those services meets the requirements of the applicable Section of the ASME Code.
- 11) Valve Testing and Setting – The Quality Control System Manual shall include provisions that each valve shall be tested and, set and all external adjustments sealed according to the requirements of the valve manufacturer and as required by this Section ~~applicable ASME Code Section~~. The seal shall identify the repair organization. Abbreviations or initials are permitted.

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- 12) Valve Repair Nameplates – An effective valve stamping system shall be established to ensure proper stamping of each valve as required by Section 120.1270. The Quality Control System Manual shall include a description ~~of the nameplate~~ or a drawing of the nameplate.
- 13) Calibration of Measurement and Test Gauges – The calibration of the measurement and test gauges system shall include the periodic calibration of measuring instruments and pressure gauges.
- A) Pressure gauges used for setting valves are to be checked periodically (indicate time schedule) by the person authorized (indicate title). The method of gauge testing is to be indicated and results recorded.
- B) Periodically, all master instruments shall be calibrated preferably, but not necessarily, to measuring equipment traceable to the National Bureau of Standards.
- 14) Controlled Copy – An up to date copy of the written Quality Control System Manual shall be submitted to the Division for review and acceptance. Revisions shall also be submitted for acceptance prior to being implemented.
- 15) Nonconformities – The system shall establish measures for the identification, documentation, evaluation, segregation and disposition of nonconformities. A nonconformity is a condition of any material, item, product or process in which one or more characteristics do not conform to the established requirements. These may include, but are not limited to, data discrepancies, procedural and/or documentation deficiencies, or material defects. Also, the ~~titles~~title(s) of the ~~individuals~~individual(s) involved in this process shall be included.
- 16) Sample Forms – Forms used in the Quality Control System shall be included in the manual with a written description. Forms exhibited shall be marked "SAMPLE" and completed in a manner typical of actual valve repair procedures.
- 17) Individuality Important – It is extremely important that the manual describe and the operation implement the system of each repair

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organization firm while meeting the requirements of this Subpart.

(Source: Amended at 32 Ill. Reg. 17198, effective October 16, 2008)

Section 120.1270 Nameplates

- a) When a safety or safety relief valve is repaired, a metal repair nameplate stamped with the information required by ~~subsection Section 120.1270~~ (b) shall be attached and sealed by wire and lead or metal seal stamped to the valve either above, adjacent to or below the original stamping. See Section 120.1250(b) for exception.
- b) As a minimum, the information on the valve repair nameplate shall include the name of the repair organization and the date of repair. If set pressure has been changed, then the new pressure setting, as well as the blowdown (for "V" stamped valves), and new capacity shall be indicated. The original nameplate or stamping shall be marked out but left legible. The new capacity shall be based on that for which the valve was originally certified.
- c) Illegible or ~~Replacement of~~ Missing Nameplates
 - 1) When the information on the original manufacturer's or assembler's nameplate or stamping is illegible, the nameplate or stamping shall be augmented or replaced by a nameplate stamped "duplicate" ~~that, which~~ contains all information ~~that, which~~ originally appeared on the nameplate or valve, as required by the applicable Section of the ASME Code, except the "V" or "UV" symbol and the National Board mark. The repair organization's nameplate and other required data specified in subsection Section 120.1270 (b) will make the repair organization responsible to the owner and the Division ~~for that~~ the information on the duplicate nameplate being correct.
 - 2) When the original valve nameplate is missing, the repair organization is not authorized to perform repairs to the valve under the program unless positive identification can be made to that specific valve and verification that the valve was originally stamped with a "V" or "UV" stamp. Valves that can be positively identified shall be equipped with a duplicate nameplate as described in subsection Section 120.1270 (c)(1), in addition to the repair organization stamped nameplate. The repair organization

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responsibilities for accurate data as defined in [subsection Section 120.1270\(c\)\(1\)](#) shall apply.

- 3) When a duplicate nameplate is affixed to a valve as required by [subsection Sections 120.1270\(c\)\(1\) or 120.1270\(c\)\(2\)](#), it shall be marked "Sec I" or "Sec VIII", as applicable, to indicate the original ASME Code stamping.

(Source: Amended at 32 Ill. Reg. 17198, effective October 16, 2008)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

130.2115	Amendment	32 Ill. Reg. 10806; July 18, 2008
130.2145	Amendment	32 Ill. Reg. 15763; September 26, 2008
130.325	Amendment	32 Ill. Reg. 16057; October 3, 2008
130.331	Amendment	32 Ill. Reg. 16057; October 3, 2008

- 15) Summary and Purpose of Amendments: Section 130.605 is amended to clarify the documentation that a retailer is required to keep beginning July 1, 2008, in order to properly claim the drive-away permit exemption provided for sales of motor vehicles to nonresidents and to remove language that limited the exemption to vehicles taken to a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

Section 130.2125 of the Department's rules is amended to clarify how rebates from automobile manufacturers and other incentives from automobile manufacturers are treated for sales tax purposes. Automobile manufacturer rebates are to be treated in the same manner as other rebates - taxable to the dealer if they are used as part of the consideration for the sale and not taxable if the customer keeps the rebate and does not apply it to the purchase of the automobile. Examples are provided of taxable and nontaxable transactions. Beginning July 1, 2008, the taxation of the other automobile dealer incentives will depend upon whether the incentive is provided to the dealer solely for the sale of the vehicle or is conditioned on additional sales or other service standards or goals. Incentives provided by manufacturers that are conditioned on additional sales or are conditioned on meeting certain manufacturer required marketing standards, facility standards, or sales and service department satisfaction goals would not be subject to tax. Examples are provided of taxable and nontaxable incentives.

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

Terry D. Charlton
Senior Counsel, Sales & Excise Taxes
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

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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,

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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,

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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; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008.

SUBPART F: INTERSTATE COMMERCE

Section 130.605 Sales of Property Originating in Illinois

- a) Where tangible personal property is located in this State at the time of its sale (or is subsequently produced in Illinois), and then delivered in Illinois to the purchaser, the seller is taxable if the sale is at retail.
 - 1) The sale is not deemed to be in interstate commerce if the purchaser or his representative receives the physical possession of the property in this State.
 - 2) This is so notwithstanding the fact that the purchaser may, after receiving physical possession of the property in this State, transport or send the property out of the State for use outside the State or for use in the conduct of interstate commerce.
 - 3) The place at which the contract of sale or contract to sell is negotiated and executed and the place at which title to the property passes to the purchaser are immaterial. The place at which the purchaser resides is also immaterial. It likewise makes no difference that the purchaser is a carrier when that happens to be the case.

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- b) There are ~~three~~^{two} exceptions to the rule that the sale is not deemed to be a sale in interstate commerce if the purchaser or his representative receives physical possession of the property in Illinois.
- 1) ~~Except~~^{Effective July 23, 1971, except} as otherwise provided in subsection ~~(b)(1)(C)~~^{(b)(1)(A)}, the tax is not imposed upon the sale of a motor vehicle in this State ~~even though the motor vehicle is delivered in this State, if all of the following conditions are met: the motor vehicle is sold to a nonresident; even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State; and either if a drive-away permit for purposes of transporting the motor vehicle to a destination outside of Illinois the other state is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code [625 ILCS 5/3-603], or if the nonresident purchaser has non-Illinois vehicle registration plates to transfer to the motor vehicle upon transporting the vehicle outside of Illinois~~^{returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred shall be prima facie evidence that the motor vehicle will not be titled in this State. [35 ILCS 120/2-5(25)]}
- A) Documentation of nonresidency. The exemption under subsection (b)(1) is available only to nonresidents. A vehicle purchased by an Illinois resident is not eligible for the exemption (even if the purchaser is only a part-time Illinois resident or has dual residency in both Illinois and another state, and, in the case of more than one purchaser, even if only one of the purchasers is an Illinois resident). Effective July 1, 2008, if a retailer claims the exemption under subsection (b)(1), the retailer must keep evidence that the purchaser is not a resident of Illinois, along with the records related to the sale (e.g., in the deal jacket).
- i) When the purchaser is a natural person, the best evidence of nonresidence is a non-Illinois driver's license. Retention of a copy of the purchaser's permanent non-Illinois driver's license in the records related to the sale is prima facie evidence that the purchaser is a nonresident eligible for the exemption under this subsection (b)(1). In addition, the retailer must also obtain and keep in the records related to

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the sale a certification from the purchaser in substantially the following form:

"I, (purchaser), under applicable penalties, including penalties for perjury and fraud, state that I am not an Illinois resident. I understand that if I am a resident of Illinois or use the motor vehicle in Illinois for 30 or more days in a calendar year, I am also liable for tax, penalty and interest on this purchase."

- ii) When the purchaser is a natural person, failure to keep a copy of the purchaser's non-Illinois driver's license or the presence of a copy of the purchaser's Illinois driver's license in the records related to the sale creates a rebuttable presumption that the purchaser is an Illinois resident ineligible for the exemption under this subsection (b)(1). To rebut this presumption, the retailer must keep evidence of the nonresidency of the purchaser in the records related to the sale, such as a voter registration card listing a non-Illinois address, a copy of a purchase contract or lease agreement for a new residence outside of Illinois, a copy of a tax return from another state that declares residency in that other state, a credit report listing the primary address as out-of-state, property tax records claiming a homestead exemption for an out-of-state residence, or any other documentation that clearly shows that the purchaser is not an Illinois resident. In addition, the retailer must also obtain and keep in the records related to the sale a certification from the purchaser in substantially the following form:

"I, (purchaser), under applicable penalties, including penalties for perjury and fraud, state that I am not an Illinois resident. I understand that if I am a resident of Illinois or use the motor vehicle in Illinois for 30 or more days in a calendar year, I am also liable for tax, penalty and interest on this purchase."

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iii) When the purchaser is not a natural person (e.g., corporation, partnership, limited liability company, trust, etc.), then the purchaser shall be deemed a resident of the state or foreign country under whose laws the purchaser was incorporated, created or organized, as well as the state or foreign country of the purchaser's commercial domicile, if different. When the purchaser is a grantor trust or other entity that claims it has no state or foreign country of incorporation, creation, organization and commercial domicile, then the purchaser's state or foreign country of residence shall be deemed to be the place of residency of the principal user of the vehicle and a copy of the user's non-Illinois driver's license or other evidence of non-Illinois residency must be kept by the retailer in the records related to the sale. When the purchaser is not a natural person, the retailer must obtain and keep in the records related to the sale a certificate from the purchaser that states substantially the following:

"(Purchaser) states, under applicable penalties, including penalties for perjury and fraud, that it is a (corporation, partnership, LLC, trust, etc.), incorporated, organized or created under the laws of (state or foreign country) and has its commercial domicile in (state or foreign country), or alternatively that it has no state or foreign country of incorporation, creation, organization and commercial domicile, but the principal user's state or foreign country of residence is (state). The undersigned has authority to sign this certification on behalf of the purchaser, and understands that in doing so, if the purchaser is a resident of Illinois or uses the motor vehicle in Illinois for 30 or more days in a calendar year, it will be liable for tax, penalty and interest on this purchase."

iv) If the retailer meets the requirements of subsection (b)(1)(A)(i), (ii) or (iii) to document the exemption, then, absent fraud, the Department shall pursue any claim that the exemption does not apply solely against the vehicle purchaser. If, however, the retailer does not meet the

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requirements of subsection (b)(1)(A)(i), (ii) or (iii) to document the exemption, then the exemption claimed by the retailer shall be disallowed subject to further review by the Department.

B) When the motor vehicle is purchased for lease and delivery to a lessee, the provisions of subsection (b)(1) shall apply to the lessee as if the lessee is the purchaser of the motor vehicle.

CA) The exemption under this subsection (b)(1) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under the Retailers' Occupation Tax Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under the Retailers' Occupation Tax Act. (See 35 ILCS 120/2-5(25-5).)

DB) For purposes of this subsection (b)(1), the term "motor vehicle" does not include (list not exhaustive):

- i) "watercraft" or "personal watercraft" as defined in the Boat Registration and Safety Act [625 ILCS 45] or any boat equipped with an inboard motor, regardless of whether the watercraft, personal watercraft, or boat is sold individually or included with the sale of a trailer. If the watercraft, personal watercraft, or boat is included with the sale of a trailer, the trailer may be an exempt "motor vehicle" under this subsection (b)(1), but the watercraft, personal watercraft, or boat is not an exempt motor vehicle and tax is still owed on it. If the two items are sold together for one non-itemized price, and the trailer is exempt under this subsection (b)(1), only the gross receipts representing the selling price of the trailer are exempt. Please note that Section 130.540 requires separate transaction returns to be filed with the Department for each item of property sold by

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the retailer that is required to be titled or registered with an agency of Illinois government;

- ii) "all-terrain vehicles" as defined in Section 1-101.8 of the Illinois Vehicle Code;
- iii) "motorcycles", as defined in Section 1-147 of the Illinois Vehicle Code, that are not eligible for vehicle registration because they are not properly manufactured or equipped for general highway use;
- iv) "motor driven cycles", as defined in Section 1-145.001 of the Illinois Vehicle Code, that are not eligible for vehicle registration because they are not properly manufactured or equipped for general highway use;
- v) "off-highway motorcycles" as defined in Section 1-153.1 of the Illinois Vehicle Code; or
- vi) "snowmobiles" as defined in Section 1-2.15 of the Snowmobile Registration and Safety Act [625 ILCS 40/1-2.15].

Ⓒ) ~~For purposes of subsection (b)(1), the term "state" is limited to a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada (see 625 ILCS 5/1-195).~~

- 2) The seller does not incur Retailers' Occupation Tax liability with respect to *the proceeds from the sale of an item of tangible personal property to a common carrier by rail or motor that receives physical possession of property in Illinois and that transports the property, or shares with another common carrier in transporting the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.* [35 ILCS 120/2-5(17)]

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- 3) The exception for sales to common carriers by rail or motor, which is described in subsection (b)(2), is also applicable to local occupation taxes administered by the Department.
- c) The tax does not extend to gross receipts from sales in which the seller is obligated, under the terms of his [or her](#) agreement with the purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that the delivery is actually made.
- d) Nor does the tax apply to gross receipts from sales in which the seller, by carrier (when the carrier is not also the purchaser) or by mail, under the terms of his [or her](#) agreement with the purchaser, delivers the goods from a point in this State to a point outside this State not to be returned to a point within this State. The fact that the purchaser actually arranges for the common carrier or pays the carrier that effects delivery does not destroy the exemption. However, it is critical that the seller is shown as the consignor or shipper on the bill of lading. If the purchaser is shown as either the consignor or the shipper, the exemption will not apply.
- e) The place at which title to the property passes to the purchaser is immaterial. The place at which the contract of sale or contract to sell is negotiated and executed and the place at which the purchaser resides are also immaterial. Sales of the type described in subsections (c) and (d) are deemed to be within the protection of the Commerce Clause of the Constitution of the United States.
- f) To establish that the gross receipts from any given sale are exempt because the tangible personal property is delivered by the seller from a point within this State to a point outside this State under the terms of an agreement with the purchaser, the seller will be required to retain in his [or her](#) records, to support deductions taken on his [or her](#) tax returns proof that satisfies the Department that there was an agreement and a bona fide delivery outside this State of the property that is sold. The most acceptable proof of this fact will be:
 - 1) If shipped by common carrier, a waybill or bill of lading requiring delivery outside this State;
 - 2) if sent by mail, an authorized receipt from the United States Post Office ~~department~~[Department](#) for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point

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outside Illinois to which the property is mailed and the date of the mailing; if the receipt does not comply with these requirements, other supporting evidence will be required;

- 3) if sent by seller's own transportation equipment, a trip sheet signed by the person making delivery for the seller and showing the name, address and signature of the person to whom the goods were delivered outside this State; or, in lieu thereof, an affidavit signed by the purchaser or his or her representative, showing the name and address of the seller, the name and address of the purchaser and the time and place of the delivery outside Illinois by the seller; together with other supporting data as required by Section 130.810 of this Part and by Section 7 of the Act.

- g) Retailers who ship property to freight forwarders who take possession of the property in Illinois and ship the property to foreign countries, not to be returned to the United States, are making exempt sales in foreign commerce and do not incur Retailers' Occupation Tax liability on the gross receipts from those sales. However, there is no exemption for property delivered in Illinois to foreign vessels. If foreign vessels purchase items of tangible personal property from Illinois retailers and have those items delivered to the vessels in an Illinois port, the sale is made in Illinois, the purchaser takes possession of the items in Illinois, and therefore, the sale is taxable.

(Source: Amended at 32 Ill. Reg. 17228, effective October 15, 2008)

SUBPART S: SPECIFIC APPLICATIONS

Section 130.2125 Trading Stamps, ~~and Discount Coupons~~, Automobile Rebates and Dealer Incentives

- a) Trading Stamps
Persons who engage in the business of transferring tangible personal property upon the redemption of trading stamps shall be deemed to be engaged in the business of selling ~~such~~ tangible personal property at retail and shall be liable for and shall pay the tax imposed by the Retailers' Occupation Tax Act on the basis of the retail value of the property transferred upon redemption of ~~such~~ stamps. When merchandise is paid for partly in cash and partly by surrendering a trading stamp valued at a specific amount, the total amount (including the value of surrendered trading stamp) is subject to Retailers' Occupation Tax.

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b) Discount Coupons

- 1) Where the retailer receives no coupon reimbursement:
If a retailer allows a purchaser a discount from the selling price on the basis of a discount coupon for which the retailer receives no reimbursement from any source, the amount of ~~the~~ discount is not subject to Retailers' Occupation Tax liability. Only the receipts actually received by the retailer from the purchaser, other than the value of the coupon, are subject to the tax. For example, if a retailer sells an item for \$10 and the purchaser provides the retailer with a \$1 in-store coupon for which the retailer receives no reimbursement from the manufacturer of the item or any other source, the retailer's gross receipts of \$9 are subject to Retailer's Occupation Tax.
- 2) Where the retailer receives full or partial coupon reimbursement:
 - A) If a retailer allows a purchaser a discount from the selling price on the basis of a discount coupon for which the retailer will receive full or partial reimbursement (from a manufacturer, distributor or other source), the retailer incurs Retailers' Occupation Tax liability on the receipts received from the purchaser and the amount of any coupon reimbursement. For example, if a retailer sells an item for \$15 and the purchaser provides the retailer with a \$5 manufacturer's coupon for which the retailer receives full reimbursement from the manufacturer of the item, the retailer's gross receipts of \$15 are subject to Retailers' Occupation Tax. Technically, the coupon issuer (the manufacturer in this example) owes the corresponding Use Tax on the value of the coupon. However, in many cases, the coupon issuer incorporates language into the coupon that requires the bearer (the purchaser in this example) to assume this Use Tax liability.
 - B) However, payments received by the retailer (from a manufacturer, distributor or other source) for handling charges or administrative expenses in processing coupons are not subject to the tax if those payments are clearly distinguished from coupon value reimbursement. In addition, if the retailer receives a discount from a manufacturer, distributor or other source when purchasing

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tangible personal property for resale, and, pursuant to a contract with that manufacturer, distributor or other source, the retailer issues discount coupons applicable to the sale of ~~such~~ property, ~~thesuch~~ coupons shall not be deemed to be reimbursed by the manufacturer, distributor or other source.

c) Gift Situations

Where a retailer, manufacturer, distributor, or other person, issues a coupon ~~thatwhich~~ entitles the bearer to obtain an item of tangible personal property free of any charge whatever and not conditioned on the purchase of other property, the furnishing of ~~thesuch~~ tangible personal property does not constitute a sale under the Retailers' Occupation Tax Act and the retailer does not incur Retailers' Occupation Tax liability with respect to ~~thesuch~~ transfer. However, the retailer, manufacturer or distributor, or other person, issuing ~~such~~ a coupon, as donor, incurs Use Tax liability on his cost price of all tangible personal property actually transferred as a result of ~~thesuch~~ coupon. (See Subpart C of the Use Tax Regulations.)

If a bearer (customer) presents a retailer with a coupon issued by the retailer that entitles the bearer to a free item and ~~thesuch~~ coupon is not conditioned on a purchase, the retailer incurs Use Tax based upon its cost price of the item given away. However, if a bearer (customer) presents a retailer with a coupon issued by the manufacturer that entitles the bearer to a free item and ~~thesuch~~ coupon is not conditioned on a purchase by the customer, the manufacturer incurs Use Tax based upon its cost price of the item given away. However, in many cases, the manufacturer incorporates language into the coupon that requires the bearer (customer) to assume this Use Tax liability.

d) Automobile Rebates

1) If an automobile dealer accepts a manufacturer's rebate provided by a customer as part of the payment for the retail sale of an automobile or other type of vehicle, the amount of the reimbursement or payment paid by the manufacturer to the dealer is part of the taxable gross receipts received by the dealer for the sale of that automobile or other type of vehicle.

2) Automobile Rebate Examples:

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EXAMPLE 1 (taxable – customer applies rebate amount to purchase price): An automobile manufacturer offers a \$1,000 rebate to purchasers of certain automobiles at or near the end of a model year. The dealer sells one of the qualifying vehicles to a customer for \$30,000. The customer has the option of receiving the payment from the manufacturer for the rebate or assigning the rebate to the purchase price of the vehicle. The customer chooses to apply the \$1,000 rebate amount to the purchase price of the vehicle. Since the dealer will receive a payment from the manufacturer of \$1,000 and \$29,000 from the customer, the taxable gross receipts received by the dealer for this sale are \$30,000.

EXAMPLE 2 (not taxable – customer does not apply rebate amount to purchase price): An automobile manufacturer offers a \$1,000 rebate to purchasers of certain automobiles at or near the end of a model year. The dealer sells one of the qualifying vehicles to a customer for \$30,000. The customer has the option of receiving the payment from the manufacturer for the rebate or assigning the rebate to the purchase price of the vehicle. The customer does not choose to apply the \$1,000 rebate amount to the purchase price of the vehicle and instead chooses to keep the amount of the rebate. Since the dealer will receive \$30,000 from the customer and no payment from the manufacturer, the taxable gross receipts received by the dealer for this sale are \$30,000.

e) Automobile Dealer Incentives

- 1) This subsection (e) is effective for sales made on and after July 1, 2008. The taxation of automobile dealer incentives will depend upon whether the dealer receives a payment from a source other than the purchaser that is conditioned upon the retail sale of an automobile. If an automobile dealer receives a payment as an incentive for the retail sale of an automobile, the amount of that reimbursement or payment is part of the taxable gross receipts received by the dealer for the sale of that automobile. If a dealer receives payment in exchange for the purchase of an automobile from a supplier or manufacturer, and that payment is not conditioned upon the sale of that automobile to a retail consumer, the amount of that payment is not part of the taxable gross receipts received by the dealer for the retail sale of that automobile. The determination of taxability under the provisions of this subsection (e)(1) is not dependent on whether the retailer is required to lower the selling price of the vehicle as a condition

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for receiving the incentive payment. Notwithstanding the provisions of this subsection (e)(1), the payment is not part of the taxable gross receipts from a retail sale if, at the time of the retail sale, the payment is contingent on the dealer making or having made any additional retail sales. In addition, a dealer incentive or bonus contingent on the dealer meeting certain manufacturer required marketing standards, facility standards, or sales and service department satisfaction goals is not part of the taxable gross receipts from a retail sale of vehicles sold by that dealer, even if the incentive or bonus is calculated using the gross receipts, Manufacturer's Suggested Retail Price (MSRP), or a flat amount per vehicle.

2) Automobile Dealer Incentive Examples:

EXAMPLE 1 (taxable incentive payments – payment conditioned on the retail sale): An automobile manufacturer offers a dealer incentive (sometimes referred to as "dealer cash") of \$1,000 for each of a specific type of automobile sold to a retail customer during the month of March. An automobile dealer sells that type of a vehicle to a retail customer for \$38,000 during the month of March. The retail sale of that vehicle qualifies the dealer for the manufacturer's dealer incentive payment of \$1,000 for the retail sale of that vehicle. The purchaser pays the dealer \$38,000 and the dealer receives \$1,000 from the manufacturer. Since the \$1,000 payment is conditioned only upon the sale of that vehicle and is not conditioned upon the sale of any other vehicle or vehicles, the taxable gross receipts received by the dealer for this sale are \$39,000.

EXAMPLE 2 (nontaxable incentive payments – payment conditioned on the retail sale, but only after a certain number of sales have been made): An automobile manufacturer offers a dealer incentive payment (sometimes referred to as "dealer cash") of \$1,000 for each of a specific type of automobile sold to a retail customer in the month of March, but only if the dealer sells at least 15 of that type of vehicle during that month. An automobile dealer sells that type of vehicle to a retail customer for \$38,000 on March 25. The dealer had sold 14 of that type of vehicle earlier that month and the sale on March 25 qualified the dealer for the \$1,000 manufacturer payment on that sale and each of the 14 previous sales. The gross receipts from the sale on March 25 are \$38,000 and the \$1,000 manufacturer's payment is not part of the dealer's gross receipts from that sale. In addition, the \$14,000 payment to the dealer for the sales

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of the previous 14 vehicles was contingent upon the sale of other vehicles and is not part of the gross receipts from the sales of those vehicles. If the dealer sold a vehicle on March 26 and qualified for another \$1,000 manufacturer payment for that sale, the \$1,000 manufacturer payment would not be part of the dealer's gross receipts from that sale.

EXAMPLE 3 (non-taxable dealer hold-backs – payment not conditioned on the retail sale): A manufacturer provides dealer hold-back payments to its automobile dealers of 3% of the invoice price of each vehicle purchased from that manufacturer. The dealer hold-back payments are paid to the dealer on a quarterly basis regardless of whether that dealer has sold at retail one or more of the vehicles it had purchased that quarter. The dealer purchases a vehicle from the manufacturer at the beginning of the month for an invoice price of \$39,000 and then sells that vehicle 10 days later at retail for \$40,000. The manufacturer of that vehicle pays an amount to the dealer of \$1,170 (3% of the invoice price of \$39,000) at the end of the quarter as a dealer hold-back for that vehicle. Since the \$1,170 hold-back payment to the dealer from the manufacturer is conditioned only on the purchase of the vehicle from the manufacturer (not on the subsequent retail sale of the vehicle), the taxable gross receipts received by the dealer for this sale are only \$40,000.

EXAMPLE 4 (non-taxable – payment not conditioned on the retail sale): An automobile dealer normally offers a specific type of vehicle for retail sale for \$40,000. The manufacturer of that vehicle agreed to pay an incentive to the dealer of \$3,000 for each of that type of vehicle that the dealer purchased for resale from the manufacturer during a specified promotional period. After purchasing the vehicle during the qualifying period, the dealer offered the vehicle for sale at a reduced or discounted price of \$37,000. A retail purchaser agrees to purchase the vehicle for \$37,000. Since the \$3,000 incentive provided to the dealer from the manufacturer is conditioned only on the dealer's purchase of the vehicle from the manufacturer (not on the subsequent retail sale of the vehicle), the taxable gross receipts received by the dealer for this sale are \$37,000.

EXAMPLE 5 (non-taxable performance bonus payments): An automobile manufacturer establishes a performance bonus program for automobile dealers who obtain a certain customer service index (CSI) score that demonstrates a substantial degree of satisfaction from their sales

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and service customers. Upon meeting the requirement, the automobile dealer will receive an incentive payment from the manufacturer calculated as 2% of the MSRP of the vehicles sold by that dealer during the incentive period. Because the bonus is contingent on the dealer meeting certain customer satisfaction goals as indicated by the CSI score, the manufacturer's performance bonus would not be part of the gross receipts received by that dealer for the sales of those vehicles.

EXAMPLE 6 (non-taxable marketing or facility incentive payments): An automobile manufacturer creates an incentive program for automobile dealers who meet certain marketing standards or facility standards designed to increase sales and brand loyalty. Upon meeting the standards, the automobile dealer will receive an incentive payment from the manufacturer calculated as a flat amount of \$500 per vehicle sold by the dealer during the incentive period. Because the incentive is contingent on the dealer meeting certain marketing or facility standards set by the manufacturer, the \$500 incentive payments would not be part of the gross receipts received by that dealer for the sales of those vehicles.

(Source: Amended at 32 Ill. Reg. 17228, effective October 15, 2008)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1010.110	Amendment
1010.120	Amendment
1010.465	New Section
1010.APPENDIX C	New Section
1010.APPENDIX D	New Section
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)] and 625 ILCS 5/3-118.1
- 5) Effective Date of Amendments: October 15, 2008
- 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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 31 Ill. Reg. 16718; December 21, 2007
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: At First Notice publication, the *Affirmation Supporting Salvage Certificate* form was published in Section 1010.110 and the *Secretary of State Vehicle Services Department Specialty License Plates Request* form was published in Section 1010.465. These 2 forms have been moved to a new Appendix C and Appendix D at the end of the Part.
- 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

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- 14) Are there any amendments pending on this Part? Yes
- | | | |
|------------------------|-------------------------|------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 1010.245 | Amendment | 32 Ill. Reg. 833; January 18, 2008 |
- 15) Summary and Purpose of Amendments: The following amendments address the additional information required upon submission of an application for Certificates of Title for a rebuilt or restored vehicle and the proper format in which the required information shall be submitted. The new section sets forth the requirements for issuance of specialty license plates, including the minimum number of plates that must be ordered, payment of fees, and discontinuing plates where the minimum number has not been ordered in the prescribed time period.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Secretary of State
Nathan Maddox, Senior Legal Advisor
298 Howlett Building
Springfield, IL 62701
- 217/785-3094
- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

- Section
1010.10 Owner – Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

- Section
1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate – Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles – Defined
1010.185 Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190 Issuance of Title and Registration Without Standard Ownership Documents – Bond

SUBPART C: REGISTRATION

- Section
1010.210 Application for Registration
1010.220 Vehicles Subject to Registration – Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished by the Secretary of State
1010.245 Electronic Registration and Titling (ERT) Program Provisions

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1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any
Registration
- 1010.310 Improper Use of Evidences of Registration
- 1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards
and Titles
- 1010.330 Operation of Vehicle Without Proper Illinois Registration
- 1010.350 Suspension or Revocation
- 1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

- 1010.410 Temporary Registration – Individual Transactions
- 1010.420 Temporary Permit Pending Registration In Illinois
- 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the
Secretary of State
- 1010.425 Non-Resident Drive-Away Permits
- 1010.426 Five Day Permits
- 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for
Compensation and Tow Trucks
- 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
- 1010.450 Special Plates
- 1010.451 Purple Heart License Plates
- 1010.452 Special Event License Plates
- 1010.453 Retired Armed Forces License Plates
- 1010.454 Gold Star License Plates
- 1010.455 Collectible License Plates
- 1010.456 Sample License Plates For Motion Picture and Television Studios
- 1010.457 Korean War Veteran License Plates
- 1010.458 Collegiate License Plates
- 1010.460 Special Plates for Members of the United States Armed Forces Reserves
- 1010.465 [Requests for General Issuance Specialty License Plates](#)
- 1010.470 Dealer Plate Records
- 1010.480 State of Illinois In-Transit Plates

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SUBPART F: FEES

Section	
1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees

SUBPART G: MISCELLANEOUS

Section	
1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads
1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770	Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775	Certificate of Safety

1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

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AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008.

SUBPART B: TITLES

Section 1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon

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Surrendering Salvage Certificate

- a) In addition to the Application for a Certificate of Title for a rebuilt or restored vehicle accompanied by the surrendered salvage certificate and submitted to the Secretary of State and prescribed in Section 3-115(d) of the Illinois Vehicle Code (IVC), the Secretary pursuant to Section 3-104(e) of that statute is authorized to require additional information from applicants for certificate of title for a rebuilt or a restored vehicle.
- b) Applicants for certificates of title for a rebuilt or restored vehicle accompanied by a surrendered salvage certificate, shall be required to submit the following additional information in support of such application:
 - 1) A certificate of changed or not changed component parts on the subject vehicle having been rebuilt or restored.
 - 2) A certificate that the [Illinois Vehicle Equipment Law Safety Code](#) (Chapter 12) of the Illinois Vehicle Code [\[625 ILCS 5/Ch. 12\]](#)~~(Ill. Rev. Stat. 1981, ch. 95½, pars. 1-100 et seq.)~~ has been complied with on the subject vehicle that has been rebuilt or restored.
- c) ~~The Affirmation Supporting Salvage Certificate~~ [Such certificate](#) shall be made in the form of an [affirmation affidavit](#) supporting the application for certificate of title for a rebuilt or restored vehicle accompanied by the surrendered salvage certificate. ~~and shall be substantially the following form:~~ [The Affirmation can be found in Appendix C and at the Secretary of State website, specifically at the following link:](#)
http://www.cyberdriveillinois.com/publications/pdf_publications/rt1113.pdf

~~OFFICE OF THE SECRETARY OF STATE~~

~~Affidavit Supporting Application
 For Certificate of Title
 For a Rebuilt or Restored Vehicle
 (Also attached is Surrendered Salvage Certificate)~~

~~State of Illinois)~~
)
 County of) SS

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The undersigned being first duly sworn deposes and says that

_____, Dealers license no. _____;
(dealer's name)

is the owner of a certain motor vehicle described as a 19____;

_____, VIN No. _____
(make)

From _____ :

Affiant further states that no component parts containing Vehicle Identification Numbers have been changed except as listed below:

	Vin No.	Make	Year	How Acquired
1.	Motor—			
2.	Transmission—			
3.	Body—			
4.	Frame—			

Affiant further states that the above described vehicle complies with the statutes, rules, and regulations as prescribed in Chapter 12 of the Illinois Vehicle Code pertaining to the safety of the vehicle.

Signature of dealer or authorized agent

Subscribed and sworn to before me this _____ day of

_____, 19____ :

(SEAL)

Notary Public

Notary's Address

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- d) The standardized document entitled Application for Certificate of Title accompanied by the surrendered salvage certificate as well as a standardized document entitled [Affirmation Supporting Salvage Certificate Affidavit Supporting Application for Certificate of Title](#) shall be available on request from the Office of the Secretary of State and no other documents shall be deemed a valid Application for a Certificate of Title for a Rebuilt or Restored Vehicle.

(Source: Amended at 32 Ill. Reg. 17253, effective October 15, 2008)

Section 1010.120 Salvage Certificate – Assignments and Reassignments

In order to implement and clarify the provisions of Section 3-118 as to the number of assignments and reassignments of Salvage Certificates permitted by the Illinois Vehicle Code, the following information shall serve as a guide to the Secretary of State in making such determination:

- a) A salvage certificate may be assigned to any dealer licensed [as a Rebuilder, Automotive Parts Recycler, Scrap Processor or an out-of-state Salvage Vehicle Buyer](#) under the Illinois Vehicle Code. Only one reassignment of that certificate is permissible and that reassignment shall be only to a dealer licensed under the Illinois Vehicle Code.
- b) A transfer or assignment to an individual other than a licensed dealer under the Illinois Vehicle Code must be by means of a certificate of title which is in the name of the licensed dealer.

(Source: Amended at 32 Ill. Reg. 17253, effective October 15, 2008)

SUBPART E: SPECIAL PERMITS AND PLATES

Section 1010.465 Requests for General Issuance Specialty License Plates

- a) For purposes of this Section, the following definition shall apply:

"General Issuance Specialty Plate" means registration plates that have been authorized by Illinois statute with the primary goal of raising funds for a specific organization or organizations. These plates are available to the general public and not awarded based on any specific qualifying criteria.

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- b) The Secretary will begin production of a new general issuance license specialty plate category only after receiving 1,500 requests for that particular plate. If 1,500 requests are not received within 2 years after the effective date of the authorizing legislation, the license plate category will no longer be considered for production.
- c) All requests will be on a form designated by the Secretary and will be accompanied by the fundraising organization's portion of the additional fee associated with that plate. All fees collected under this Section are non-refundable and will be deposited in the special fund as designated in the enabling legislation, regardless of whether the plate is produced. The form can be found in Appendix D and at the Secretary of State website, specifically http://www.cyberdriveillinois.com/publications/pdf_publications/vsd702.pdf.
- d) The design and color of the plates is wholly within the discretion of the Secretary, except the Illinois State Police, the Secretary of State Police and either the Illinois Sheriff's Association or the Illinois Association of Chiefs of Police must approve the design.

(Source: Added at 32 Ill. Reg. 17253, effective October 15, 2008)

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Section 1010.APPENDIX C Affirmation Supporting Salvage Certificate

Print

Reset

Office of the Secretary of State

AFFIRMATION SUPPORTING SALVAGE CERTIFICATE

This form must accompany all Salvage Certificates for which a Certificate of Title is requested

State of Illinois

County of _____

Rebuilder's Name	Rebuilder's #	Yr.
Contracted Rebuilder's Name	Rebuilder's #	Yr.
The undersigned hereby affirms to be the owner(s) of the below described vehicle, acquired by Salvage Certificate		
No. _____ from _____		
Yr. _____ Make _____ VIN _____		

Complete Section A or B:

A. Rebuilder states that of parts listed on the reverse side of this affirmation, only the following have been changed:

Type of Part	VIN	Year	Make	Acquired From
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Rebuilder personally rebuilt the vehicle, or personally supervised its rebuilding. Rebuilder personally inspected the completed vehicle, and it complies with all safety requirements set forth in the Illinois Compiled Statutes, Chapter 625, and any regulations promulgated thereunder by the Secretary of State.

B. Rebuilder affirms that no essential parts have been removed, replaced, or damaged by flood, and that completion of this affirmation provides that this vehicle need not complete a successful salvage inspection as prescribed under Section 5/3-308 of the Illinois Compiled Statutes. Rebuilder further affirms that the vehicle was personally inspected, and it complies with all safety requirements set forth in the Illinois Compiled Statutes, Chapter 625, and any regulations promulgated thereunder by the Secretary of State.

I affirm, under penalty of perjury, that all information contained in this affirmation and its attachments is true and correct to the best of my knowledge.

(Signature of Rebuilder or Authorized Agent)

Date

(Signature of Contracted Licensed Rebuilder)

Date

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CODE FOR ESSENTIAL PARTS LIST

- A. Right front fender/rear fender
- B. Left front fender/rear fender
- *C. Right rear quarter panel/bed slide
- *D. Left rear quarter panel/bed slide
- E. Hood
- F. Right front door
- G. Right rear door
- H. Left front door
- I. Left rear door
- J. Hatchback/deck lid/tailgate/trunk lid
- K. Right T-top
- L. Left T-top
- M. Moon roof/sunroof/astro body
- N. Front end assembly (headlights – fenders – hood)
- O. Front clip (FEA – with cowl attached)
- P. Rear clip (quarter panels – fenders – floor – top)
- Q. Clip cab (roof – back panel – floor)
- R. Cab (clip cab – with cowl)
- *S. Bed
- T. Frame
- U. Engine
- *V. Transmission
- W. Cowl
- X. Transmission (Second Division)
- Y. Aluminum wheels
- Z. Chassis/shell/hulk

SEATS

- AA. Front seat
- AB. Rear seat
- AC. Left front seat
- AD. Right front seat
- AE. Left rear seat
- AF. Right rear seat

RADIOS

- AG. Cassette/compact disc
- AH. Cassette radio
- AI. Compact disc changer
- AJ. Compact disc player
- AK. Compact disc radio
- AL. Stereo radio (AM/FM)
- *AM. Front bumper (NHTSA veh)

MOTORCYCLES

- *AP. Faring
- *AQ. Fuel tanks
- *AR. Fork

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| *AN. Rear bumper (NHTSA veh)

| **Not considered essential parts, may be inspected as part of the Salvage Vehicle Inspection Program.*

(Source: Added at 32 Ill. Reg. 17253, effective October 15, 2008)

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Section 1010.APPENDIX D Specialty License Plates Request Form

	<p align="center">Secretary of State Vehicle Services Department Specialty License Plates Request</p>	<p align="center">Print Reset</p>
<p>Secretary of State Vehicle Services Department Special Plates Division 501 S. Second St., Rm. 312 Springfield, IL 62756</p>	<p align="center">This request may only be processed in the Springfield Office.</p> <p align="center"><i>WWW.CYBERDRIVEILLINOIS.COM</i></p>	<p>This space for use by Secretary of State.</p>

Specialty license plates are authorized by Illinois statute with the primary goal of raising funds for a specific organization(s). The plates are available to the public and are not awarded based on specific qualifying criteria.

- The Secretary of State will begin production of a new specialty plate category after receiving 1,500 requests for the plate.
- Design and color of the plates is at the discretion of the Office of the Secretary of State.
- A non-refundable Specialty license plates fee must accompany each plate request. The fee will be deposited into the special fund as designated by statute regardless of whether or not the plates are produced.

Name of Specialty Plate Being Requested: _____	Date: _____
Current License Plates #: _____	Expiration Date: _____
Vehicle Owner's Name: _____	
Address: _____	
City: _____	State: _____ Zip: _____
Daytime Telephone Number (8 a.m.-4:30 p.m.): _____	
Signature: _____	Amount Enclosed: _____

FOR OFFICE USE ONLY	Name of Specialty Plate: _____	Date Received: _____
	Vehicle Owner's Name: _____	
	Fee Received (check number): _____	

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|
(Source: Added at 32 Ill. Reg. 17253, effective October 15, 2008)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
250.90	Amendments
250.120	Amendments
- 4) Statutory Authority: 110 ILCS 70
- 5) Effective Date of Amendments: October 16, 2008
- 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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 9129; June 27, 2008
- 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 issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The adopted amendments to Section 250.90 will provide extensions to the probationary period for both paid and unpaid leave of absences and the adopted amendments to Section 250.120 will clarify the accumulation of seniority during disability leaves.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Mary C. Follmer
Assistant Director, Legal Services
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

217/278-3150, ext. 226

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

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amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008.

Section 250.90 Probationary Period

- a) Purpose of Probationary Period. The probationary period is an integral part of the examination process, and shall be utilized by the employer for close observation and evaluation of the employee's work, for obtaining the most effective adjustment of a new employee to his/her position, and to determine whether an employee demonstrates the ability and qualifications necessary to furnish satisfactory service. Periodically, throughout the probationary period, the employer should discuss with the employee his/her progress on the job. An employee who is dismissed during a probationary period shall be given the reasons~~reason(s)~~ for his/her dismissal, with the understanding that the reason~~reason(s)~~ is not reviewable.
- b) Duration of Probationary Period.
 - 1) Candidates employed from the reemployment register shall not be required to serve a new probationary period.
 - 2) An employee who has accepted a status appointment shall be on probation for no less than six months, and no longer than twelve months. If the probationary period is interrupted by a paid or an unpaid leave of absence that exceeds more than five consecutive work days, a layoff, or a suspension, a comparable amount of time shall be added to the probationary period. The probationary period shall begin on the date of assignment to duty and shall expire at the close of business on the last working day which completes the probationary period for the class, regardless of percentage of time of employment during the probationary period. If such employee is not dismissed during the probationary period, such employee shall become a status employee at its conclusion.
 - 3) An employee reinstated to a register in accordance with Section 250.60(k)(4), who is subsequently appointed to a position of his/her former class shall complete his/her probationary period in the former class, if he/she has not already done so.
 - 4) An employee who goes on layoff status during the probationary period,

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may upon written request of the employer, be reinstated by the [Executive Director](#) on either the original entry [register](#) or promotional register, as appropriate, and in accordance with total service earned as of date of layoff, and subject to eligibility so established, may be appointed thereafter to the same or similar position. Such employee, so reinstated to the same or similar position, shall complete the probationary period for the class in which eligibility has been established, although such service may be interrupted by one or more layoffs.

- 5) Service in a higher class shall count toward completion of probationary period in a lower class in the same promotional line. Service in a lower class shall not be counted toward completion of probationary period in a higher class of the same promotional line.
- 6) A provisional employee shall begin a probationary period on the date of entrance into a status appointment for which the employee is eligible.

(Source: Amended at 32 Ill. Reg. 17268, effective October 16, 2008)

Section 250.120 Seniority

- a) Accumulation of Seniority.
 - 1) After the completion of the probationary period, the status employee's seniority shall date from the beginning of the probationary period. Seniority is accumulated on the basis of hours in a pay status exclusive of overtime. Seniority may be accumulated in certain types of non-pay status under specified conditions as provided for in [subsections Section 250.120](#)(f), (g), (h) and (j).
 - 2) Seniority once earned in a class is retained during any period of continuous employment:
 - A) Except as provided for in lesser units in accordance with [subsection Section 250.120](#) (k)(2).
 - B) Except an employee does not retain seniority in any class from which he has been demoted because of unsatisfactory performance or for disciplinary reasons.

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- b) Retention of Seniority. Seniority accrued in a class is retained for that class for purposes of retreat rights even though an employee accepts a position in another class outside of the promotional line.
- c) Seniority Lists. Each employer shall maintain a public and current seniority list which includes the names of all status employees in each class in order of their seniority.
- d) Ties in Seniority Lists.
- 1) If two or more employees have the same seniority, their names shall be placed on the seniority list in the order of their scores in the examination for the position; i.e., the person with the highest score shall be first, next highest second, and continuing in descending order of their scores. Seniority between employees who receive the same score on the examination shall be determined in accordance with years of service at the place of employment, then in accordance with date of application for employment.
 - 2) If two or more employees have the same seniority in the same lesser unit [subsection Section 250.120\(d\)\(1\)](#) shall apply.
- e) Accumulation of Seniority, or Service, in Promotional Line. Seniority, or service, in a higher class in a promotional line may be added to seniority, or service, earned in a lower class in the same line to compute total seniority, or service, in the lower class. Seniority earned in a class shall be counted toward seniority in a lower class in the same promotional line even though the employee may not have served in the lower class. Seniority, or service, earned in a lower class in a promotional line may not be added to seniority, or service, earned in a higher class in the same line to compute total seniority, or service, in the higher class.
- f) Accumulation of Seniority during Disability. Subject to limitation imposed by [subsection Section 250.120\(h\)](#) (~~Accumulation of Seniority during Layoff Status~~), employees accrue seniority while on leave of absence for disability, as defined in Section 250.110(b)(2) [and for an occupational or work-related disability that becomes the subject of payment of income benefits as defined by the Workers' Compensation Act \[820 ILCS 305\], the Workers' Occupational Diseases Act \[820 ILCS 310\], a State self-insurance program, or other appropriate authority,](#) ~~and for~~

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~~pregnancy, as defined in Section 250.110(b)(4).~~

- g) Accumulation of Seniority during Authorized Absence without Pay. An employee shall accrue seniority during approved leaves of absence without pay not exceeding a total of 30 work days within any calendar year.
- h) Accumulation of Seniority during Layoff Status. An employee continues to accrue seniority during layoff occasioned by a break in the academic calendar or during any other layoff period not in excess of 30 consecutive work days.
- i) Accumulation of Seniority during Suspension. Employees do not accrue seniority while on suspension.
- j) Accumulation of Seniority during Military Service.
 - 1) A status employee accrues seniority during leave for military service until date of separation from active military service and for 90 calendar days thereafter, if such separation is under conditions other than dishonorable.
 - 2) An employee whose name has been certified and who has not completed ~~the~~his probationary period at the time of approval for~~his~~ leave for military service ~~was granted, shall continue to accrue~~accrues seniority in his or her classification for the entire time of~~during his~~ leave for military service until the date of separation from active service and for 90 calendar days thereafter, provided the employee meets the following conditions:
 - A) ~~the~~if such separation from active military service is under conditions other than dishonorable,
 - B) reemployment occurs~~providing he is reemployed~~ in a position of the same class as that ~~in which he was~~ employed at the time of ~~his~~ leave for military service, and
 - C) ~~the~~providing that he satisfactorily completes his probationary period is satisfactorily completed in the class upon reemployment.
- k) Effect of Lesser Units on Seniority.
 - 1) Lesser units, for purposes of determining seniority, may be approved by

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the Merit Board, provided two-thirds of the status employees within the class involved in the approval of the lesser unit shall agree to the creation of such lesser unit. A lesser unit can be disestablished only by agreement (i.e., election) of two-thirds of all status employees in the class at the place of employment (subject to subsequent approval by the Merit Board).

- 2) A status employee who accepts a position in a different lesser unit relinquishes seniority acquired in the previous lesser ~~unit~~ unit(s), but cannot be required to serve another probationary period, providing there is no change in class.
 - 3) An employee in a lesser unit who accepts a temporary assignment in another lesser unit during a period of layoff does not accrue seniority in the latter unit.
- l) Effect of Vacation Time on Seniority at Time of Separation. At the time of separation, seniority shall be accrued only through the period of actual service to the employer. Payment for earned vacation time shall not be included in the seniority computation.
 - m) Restoration of Seniority after Retirement. If a retired employee is reemployed within 60 days ~~after~~ after retirement, seniority earned up to the effective date of retirement shall be restored.

(Source: Amended at 32 Ill. Reg. 17268, effective October 16, 2008)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Narrative and Planning Policies
- 2) Code Citation: 77 Ill. Adm. Code 1100
- 3) Section Number: 1100.220
- 4) Date Proposal published in Illinois Register: January 25, 2008; 32 Ill. Reg. 1039
- 5) Date Adoption published in Illinois Register: August 1, 2008; 32 Ill. Reg. 12321; effective July 18, 2008
- 6) Summary and Purpose of Expedited Correction: The purpose of the expedited correction is to include in the background text of Section 1100.220 amendments to this Section that were adopted on March 18, 2008 (32 Ill. Reg. 4743; April 4, 2008), but inadvertently omitted in the subsequent adoption effective July 18, 2008. The amendments that were adopted on March 18, 2008, included definitions for the terms "Base Year", "Fertility Rate", "HFPB", "Independent Travel Time Studies", "Normal Travel Time", "Patient Migration", "Population Estimates", and "Populations Projections". Definitions for "Occupancy Rate", "Patient Days", "Use Rate" and "Utilization" were amended, and definitions for "Occupancy Target", "Population or Population Projections", "Use Rate or Utilization Maximum", "Use Rate or Utilization Minimum", and "Variance" were stricken. Also, the Table of Contents is corrected to reflect changes adopted in the March 18, 2008 rulemaking.
- 7) Information and questions regarding this request shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
rules@idph.state.il.us

HEALTH FACILITIES PLANNING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100
NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

Section	
1100.10	Introduction
1100.20	Authority
1100.30	Purpose
1100.40	Health Maintenance Organizations (Repealed)
1100.50	Subchapter Organization
1100.60	Mandatory Reporting of Data
1100.70	Data Appendices
1100.75	Annual Bed Report
1100.80	Institutional Master Plan Hospitals (Repealed)
1100.90	Public Hearings

SUBPART B: ~~GENERAL~~ DEFINITIONS

Section	
1100.210	Introduction
1100.220	Definitions

SUBPART C: PLANNING POLICIES

Section	
1100.310	Need Assessment
1100.320	Staffing
1100.330	Professional Education
1100.340	Public Testimony
1100.350	Multi-Institutional Systems
1100.360	Modern Facilities
1100.370	Occupancy/Utilization Standards
1100.380	Systems Planning
1100.390	Quality

HEALTH FACILITIES PLANNING BOARD

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1100.400	Location
1100.410	Needed Facilities
1100.420	Discontinuation
1100.430	Coordination with Other State Agencies
1100.440	Requirements for Authorized Hospital Beds

SUBPART D: NEED [ASSESSMENT FORMULAS/UTILIZATION TARGETS](#)

Section

1100.510	Introduction, Formula Components, and Planning Area Development Policies, and Normal Travel Time Determinations
1100.520	Medical-Surgical/Pediatric Categories of Service
1100.530	Obstetric Care Category of Service
1100.540	Intensive Care Category of Service
1100.550	Comprehensive Physical Rehabilitation Category of Service
1100.560	Acute Mental Illness Treatment Category of Service
1100.570	Substance Abuse/Addiction Treatment Category of Service (Repealed)
1100.580	Neonatal Intensive Care Category of Service
1100.590	Burn Treatment Category of Service (Repealed)
1100.600	Therapeutic Radiology Equipment (Repealed)
1100.610	Open Heart Surgery Category of Service
1100.620	Cardiac Catheterization Services
1100.630	In-Center Hemodialysis Chronic Renal Dialysis Category of Service
1100.640	Non-Hospital Based Ambulatory Surgery
1100.650	Computer Systems (Repealed)
1100.660	General Long-Term Care -Nursing Care Category of Service
1100.661	General Long-Term Care-Sheltered Care Category of Service (Repealed)
1100.670	Specialized Long-Term Care Categories of Service
1100.680	Intraoperative Magnetic Resonance Imaging Category of Service (Repealed)
1100.690	High Linear Energy Transfer (L.E.T.) (Repealed)
1100.700	Positron Emission Tomographic Scanning (P.E.T.) (Repealed)
1100.710	Extracorporeal Shock Wave Lithotripsy (Repealed)
1100.720	Selected Organ Transplantation
1100.730	Kidney Transplantation
1100.740	Subacute Care Hospital Model
1100.750	Postsurgical Recovery Care Center Alternative Health Care Model
1100.760	Children's Respite Care Center Alternative Health Care Model
1100.770	Community-Based Residential Rehabilitation Center Alternative Health Care Model

HEALTH FACILITIES PLANNING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

1100.800 Freestanding Emergency Center Medical Services Category of Service

1100.APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985, effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2594; amended at 20 Ill. Reg. 14778, effective November 15, 1996; amended at 21 Ill. Reg. 6220, effective May 30, 1997; expedited correction at 21 Ill. Reg. 17201, effective May 30, 1997; amended at 23 Ill. Reg. 2960, effective March 15, 1999; amended at 24 Ill. Reg. 6070, effective April 7, 2000; amended at 25 Ill. Reg. 10796, effective August 24, 2001; amended at 27 Ill. Reg. 2904, effective February 21, 2003; amended at 31 Ill. Reg. 15255, effective November 1, 2007; amended at 32 Ill. Reg. 4743, effective March 18, 2008; amended at 32 Ill. Reg. 12321, effective July 18, 2008; expedited correction at 32 Ill. Reg. _____, effective _____.

SUBPART B: ~~GENERAL~~ DEFINITIONS**Section 1100.220 Definitions**

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960].

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

HEALTH FACILITIES PLANNING BOARD

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"Applicable Codes" and/or "Current Recognized Standards" means the current official codes of governmental bodies applicable under law or regulation to Illinois health facilities and/or standards of health facility design, construction and equipment promulgated on a regular or permanent basis by an authority, public or private. A listing of the applicable codes utilized in the application review process may be found in Appendix A of this Part.

"Authorized Hospital Bed Capacity" means the number of beds recognized for planning purposes at a hospital facility, as determined by HFPB. The operational status of authorized hospital beds is identified as physically available, reserve, or transitional, as follows:

"Physically Available Beds" means beds that are physically set up, meet hospital licensure requirements, and are available for use. These are beds maintained in the hospital for the use of inpatients and that furnish accommodations with supporting services (such as food, laundry, and housekeeping). These beds may or may not be staffed, but are physically available.

"Reserve Beds" means beds that are not set up for inpatients, but could be made physically available for inpatient use within 72 hours.

"Transitional Beds" means beds for which a Certificate of Need (CON) has been issued, but that are not yet physically available, and beds that are temporarily unavailable due to modernization projects that do not require a CON.

"Authorized Long-Term Care Bed Capacity" means the number of beds by category of service, recognized and licensed by IDPH for long-term care.

"Average Daily Census" or "ADC" means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay" or "ALOS" means over a 12-month period the average duration of inpatient stay expressed in days as determined by dividing total inpatient days by total admissions.

"Base Year" means the calendar year, as determined by IDPH, that serves as the

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[starting point or benchmark for the historical utilization and population projections.](#)

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, cardiac catheterization, etc. A category of service may include subcategories or levels of care that identify a particular degree or type of care within the category of service.

"Emergency Medical Services System" or "EMS System" means *an organization of hospitals, vehicle service providers and personnel approved by IDPH in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS, and/or ALS level pursuant to a System program plan submitted to and approved by IDPH, and pursuant to the EMS Region Plan adopted for the EMS Region in which the System is located.* [210 ILCS 50/3.20]

"Emergent Care" means medical or surgical procedures and care provided to those patients treated in an emergency department (ED) of a hospital or freestanding emergency center who have traumatic conditions or illnesses with an acuity level that is classified as level one or level two based upon the Emergency Severity Index (ESI) as defined in the "Emergency Severity Index Version 4: Implementation Handbook" published by the Agency for Healthcare Research and Quality, Rockville MD (Gilboy N, Tanabe P, Travers DA, Rosenau AM, Eitel DR; AHRQ Publication No. 05-0046-2; May 2005, no later amendments or editions included).

"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, through the Chairman, responsible to the State Board for the execution of its policies and procedures.

["Fertility Rate" means determinations by IDPH of population fertility that is based upon resident birth data for an area.](#)

"Freestanding Emergency Center" or "FEC" means a facility subject to licensure under Section 32.5 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50/32.5] that provides emergency medical and related services.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

"Freestanding Emergency Center Medical Services" or "FECMS" means a category of service pertaining to the provision of emergency medical and related services provided in a freestanding emergency center.

["HFPB" means the Health Facilities Planning Board.](#)

"Health Service Area" or "HSA" means the following geographic areas:

HSA I – Illinois Counties of Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago

HSA II – Illinois Counties of Bureau, Fulton, Henderson, Knox, LaSalle, Marshall, McDonough, Peoria, Putnam, Stark, Tazewell, Warren, and Woodford

HSA III – Illinois Counties of Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott

HSA IV – Illinois Counties of Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Macon, McLean, Moultrie, Piatt, Shelby, and Vermilion

HSA V – Illinois Counties of Alexander, Bond, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White, and Williamson

HSA VI – City of Chicago

HSA VII – DuPage County and Suburban Cook County

HSA VIII – Illinois Counties of Kane, Lake, and McHenry

HSA IX – Illinois Counties of Grundy, Kankakee, Kendall, and Will

HSA X – Illinois Counties of Henry, Mercer, and Rock Island

HEALTH FACILITIES PLANNING BOARD

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HSA XI – Illinois Counties of Clinton, Madison, Monroe, and St. Clair

"Hospital" means a facility, institution, place or building licensed pursuant to or operated in accordance with the Hospital Licensing Act [210 ILCS 45] or a State-operated facility that is utilized for the prevention, diagnosis and treatment of physical and mental ills. For purposes of this Subchapter, two basic types of hospitals are recognized:

General Hospital – a facility that offers an integrated variety of categories of service and that offers and performs scheduled surgical procedures on an inpatient basis.

Special or Specialized Hospital – a facility that offers, primarily, a special or particular category of service.

"Illinois Department of Public Health" or "Agency" or "IDPH" means the Department of Public Health of the State of Illinois. [20 ILCS 3960/3]

"Independent Travel Time Studies" means studies developed and submitted to refine or supplement the determination of Normal Travel Time. Independent Travel Time studies will be considered by HFPB only if conducted utilizing the criteria specified in this Part.

"Modernization" means modification of an existing health care facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment. Modification does not include a substantial change in either the bed count or scope of the facility.

"Non-emergent Care" means medical or surgical procedures and care provided to those patients treated in an emergency department (ED) of a hospital or freestanding emergency center who have conditions or illnesses that are not classified as level one or level two based upon the Emergency Severity Index.

"Normal Travel Time" means the time necessary to traverse a route by an individual vehicle driving at posted speed limits between any two points of interest. Normal Travel Time is to be considered by HFPB only as calculated utilizing methodologies specified in this Part. Normal Travel Time for proposed projects shall be established by using the facility's location as the base point and

HEALTH FACILITIES PLANNING BOARD

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utilizing time factors specified in the applicable rules.

STATE BOARD NOTE: Normal Travel Time as used in this Part is a conceptual model approximating a reasonable time of travel between two points. It is intended to exclude a "worst" or "best" case situation such as travel during rush hours, midnight hours, or by emergency vehicle.

"Observation Days" means the number of days of service provided to outpatients for the purpose of determining whether a patient requires admission as an inpatient or other treatment. The observation period shall not exceed 48 hours.

"Occupancy Rate" means a measure of inpatient health facility use, determined by dividing average daily census by the ~~facility's bed~~ calculated capacity. It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

~~"Occupancy Target" means a minimum utilization level established by IDPH for a facility or service, reflecting adequate access as well as operational efficiency.~~

"Patient Days" means the total number of days of service provided to inpatients of a facility over a 12-month period. This figure includes observation days if the observation patient occupies a bed that is included in the State Agency's Inventory of Health Care Facilities and Services and Need Determinations ~~as described in Section 1100.70.~~

"Patient Migration" means the total number of patients who reside in a given planning area but receive services at health care facilities located in another planning area for a given year. Patient migration is determined by utilizing the latest available patient origin data concerning admissions to health care facilities by various categories of service for a given year. The term in-migration refers to the number of patients who are not residents of a planning area that enter the area to receive services, while the term out-migration refers to the number of planning area residents who leave the planning area to obtain services elsewhere.

"Planning Area" means a defined geographic area within the State established by the State Board as a basis for the collection, organization, and analysis of information to determine health care resources and needs and to serve as a basis for planning.

~~"Population" or "Population Projections" means the latest estimates available as~~

HEALTH FACILITIES PLANNING BOARD

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~~determined by IDPH.~~

"Population Estimates" means the latest available numbers of residents of a geographic area based upon birth and death records and other inputs, as determined by IDPH. These numbers may be further broken down by age and sex cohorts.

"Population Projections" means the numbers of residents of a geographic area projected for one or more future time periods, as determined by IDPH and based upon State of Illinois population projections, as available. These numbers are for defined geographic areas and may be further broken down by age and sex cohorts.

"Resource Hospital" means the hospital that is responsible for an Emergency Medical Services (EMS) System in a specific geographic region. Responsibilities include education for EMS personnel and recommendations for their re-licensure, and development of standard medical protocols for the EMS system for which it takes the lead. Resource hospitals deal with pre-hospital and Emergency Department issues only, unlike the Trauma Center. The Resource Hospital functions with the Associate and Participating Hospitals within the specific EMS system. There are 62 EMS systems within 11 EMS Regions in Illinois.

"Site" means the location of an existing or proposed facility. An existing facility site is determined by street address. In a proposed facility the legal property description or the street address can be used to identify the site.

"State Board" means the Health Facilities Planning Board established by the Act. [20 ILCS 3960/3]

"Unit" means the grouping of beds to provide a category of service. Units are physically identifiable areas that are staffed to provide all care required for particular service.

"Use Rate" means the ratio of inpatient days per 1,000 population over a 12-month period (Inpatient Days/Population in Thousands = Use Rate). For need assessment purposes, HFPB may establish minimum or maximum use rates in order to promote the development of additional resources or to limit unnecessary duplication of services and beds in a planning area.

~~"Use Rate or Utilization Maximum" means a ceiling placed on an area's use or~~

HEALTH FACILITIES PLANNING BOARD

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~~utilization rate in order to reduce the projected need for beds or services. Use rate maximums are designed to prevent the overestimation of needed beds in formulas which utilize historical demand. Maximums are used in planning areas where historical demand is inflated due to an immigration of patients from other planning areas.~~

~~"Use Rate or Utilization Minimum" means a lower limit placed on an area's use or utilization rate in order to inflate the projected need for beds or services. Use rate minimums are designed to promote the development of beds in areas where historical utilization is too low to create a formula bed need. Low utilization is caused by a lack of services in the area or by an out migration of area residents to other areas for care.~~

~~"Utilization" means patterns or rates of use of a single service or type of service or piece of equipment, within a given facility or also in combinations of facilities. Utilization may be expressed by various ratios such as facility or bed service occupancy rates or hours of use for types of equipment, operating rooms, dialysis stations, etc. Use is expressed in rates per unit of population at risk for a given period.~~

~~"Variance" means an exception to computed need based upon criteria or conditions for particular categories of service.~~

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Foster Parent Code

Code Citation: 89 Ill. Adm. Code 340

Section Numbers: 340.40 340.APPENDIX A
340.50 340.APPENDIX B

Date Originally Published in the Illinois Register: 5/30/08
32 Ill. Reg. 8063

At its meeting on October 16, 2008, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Department of Children and Family Services be more timely in updating its rules to reflect statutory changes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Standard Procurement

Code Citation: 44 Ill. Adm. Code 1

Section Number: 1.4575

Date Originally Published in the Illinois Register: 11/9/07
31 Ill. Reg. 14973

At its meeting on 10/16/08, the Joint Committee on Administrative Rules objected to the Department of Central Management Services rulemaking titled Standard Procurement (44 Ill. Adm. Code 1; 31 Ill. Reg. 14973) because it does not provide the specific prequalification rules required by Section 15(b) of the Procurement of Domestic Products Act.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

STATE BOARD OF INVESTMENT

Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan

Code Citation: 80 Ill. Adm. Code 2700

Section Numbers:

2700.110	2700.415	2700.700
2700.125	2700.610	2700.730
2700.200	2700.620	2700.740
2700.310	2700.630	2700.745
2700.315	2700.640	2700.810
2700.320	2700.670	
2700.410	2700.680	

Date Originally Published in the Illinois Register: 4/25/08
32 Ill. Reg. 6840

At its meeting on 10/16/08, the Joint Committee on Administrative Rules objected to the rulemaking of the Illinois State Board of Investment titled State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700; 32 Ill. Reg. 6840) because the rule lacks standards governing how the Board will select investment options. Section 24-105 of the Illinois Pension Code states investments utilized under the Deferred Compensation Plan must be reviewed and selected based on competitive bidding processes reflecting specifications and considerations the Board deems appropriate. It needs to establish these specifications and considerations in rule to avoid enforcement of policy not in rule in violation of the Illinois Administrative Procedure Act.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

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 14, 2008 through October 20, 2008 and have been scheduled for review by the Committee at its November 18, 2008 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>
11/29/08	<u>Department of Revenue</u> , Use Tax (86 Ill. Adm. Code 150)	6/13/08 32 Ill. Reg. 8563	11/18/08
11/29/08	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	6/13/08 32 Ill. Reg. 8561	11/18/08

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

NOTICE OF FILING OF AMENDED OBJECTION
Pursuant to Section 9 of the Illinois Prevailing Wage Act,
820 ILCS 130/0.01 et seq.

Please take notice that on September 26, 2008, SCHOOL DISTRICT NO. 172 ADAMS COUNTY, ILLINOIS; ASSOCIATED BUILDERS & CONTRACTORS, INC., an Illinois Trade Association; NATIONAL FEDERATION OF INDEPENDENT BUSINESS/ILLINOIS, an Association; and ILLINOIS ASSOCIATION OF SCHOOL BOARDS, an Association; filed with the Illinois Department of Labor ("IDOL") an *amended* written objection to twelve (12) job classifications and wage rates set forth in the prevailing wage schedule for Adams County, as published by IDOL on June 2, 2008. A hearing date has not yet been determined.

Objectors allege that "...no work has occurred on public works projects in these work categories in Adams County":

Trade Name/Job Classification	Basic Wage Rate
Marble Finishers-BLD	\$23.96
Operating Engineer 1.100-BLD Class 4	\$29.40
Operating Engineer 1.100-HWY Class 4	\$29.25

Objectors allege that ".. for the categories set forth below, the prevailing wage set by IDOL is not accurate, is excessive and does not represent the prevailing wage in Adams County."

Trade Name/Job Classification	Basic Wage Rate	Proposed Wage Rate
Carpenter 0.320-BLD	\$27.34	\$20.59
Cement Mason 0.350-BLD	\$23.77	\$19.97
Electrician 0.250-BLD	\$26.31	\$20.11
Laborer 0.600-BLD	\$16.93	\$14.38
Painter 0.300-ALL	\$26.99	\$13.89
Plumber 0.750-ALL	\$32.00	\$22.16
Truck Driver 0.000-ALL Class 1	\$27.58	\$12.08
Truck Driver 0.000-ALL Class 2	\$27.98	\$16.97
Truck Driver 0.000-ALL Class 3	\$28.18	\$16.97

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
 Conciliation and Mediation Division

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

PROCLAMATIONS

2008-376**Breast Cancer Awareness Month and Mammography Day (Revised)**

WHEREAS, October 2008 marks the 24th year of the National Breast Cancer Awareness Month campaign to educate women about breast cancer, especially concerning early detection through mammography; and

WHEREAS, in 2008, it is projected that approximately 8,680 of the 182,460 women in the United States diagnosed with breast cancer will be Illinois residents; and

WHEREAS, breast cancer is the most common cancer in women and is second only to lung cancer as the leading cause of cancer death; and

WHEREAS, the best chance for detecting breast cancer early is mammography screening, which, when paired with new treatment options, can dramatically improve a woman's chance of survival; and

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP), offers free mammograms, breast exams, pelvic exams and Pap tests to eligible women. The IBCCP has provided more than 28,400 women with free breast screenings in the past year alone; and

WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as BREAST CANCER AWARENESS MONTH and October 17, 2008 as MAMMOGRAPHY DAY in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor September 22, 2008

Filed by the Secretary of State October 17, 2008.

2008-409**National and Community Service Recognition Day**

WHEREAS, more than 66,000 people of all ages and backgrounds are serving in 144 national service projects across Illinois; and

PROCLAMATIONS

WHEREAS, National Service Members serve their communities by improving education, protecting public safety, improving health care, safeguarding the environment, providing disaster relief and promoting civic engagement; and

WHEREAS, more than 2,000 AmeriCorps Members serving in Illinois will take their pledge today and promise to carry this commitment to service throughout their lives; and

WHEREAS, over 18,000 Senior Corps Members are currently contributing their time and talents through the Foster Grandparent, Senior Companion, and Retired and Senior Volunteer Program (RSVP) programs; and

WHEREAS, the Learn and Serve America program provides grants to schools, colleges, and nonprofits to engage more than 46,000 Illinois students in civic learning and community service each year; and

WHEREAS, the Serve Illinois Commission is charged with enhancing and supporting community volunteerism in all its forms and in the administration of the AmeriCorps program in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16, 2008 as NATIONAL AND COMMUNITY SERVICE RECOGNITION DAY in Illinois, and congratulate Illinois' AmeriCorps and National Service family of programs members, both past and present, on their service in strengthening communities through volunteerism in our state.

Issued by the Governor October 9, 2008

Filed by the Secretary of State October 17, 2008.

2008-410**Federation of Women Contractors Day**

WHEREAS, there has been a continuous struggle in our society for women to receive the same rights as their male counterparts. Equally as pervasive is their struggle for equality in the workplace; and

WHEREAS, males continue to have a seat at the decision-making table, especially in fields historically dominated by men, such as the construction industry; and

WHEREAS, the Federation of Women Contractors (FWC), created in 1989, is "committed to the advancement of entrepreneurial women in the construction industry;" and

PROCLAMATIONS

WHEREAS, through educational, social and professional efforts, FWC provides an arena for its more than 100 members to have a voice; and

WHEREAS, the breadth of their message reaches far beyond the FWC membership, joining in alliance with other associations in the industry and other professional women's organizations to make a difference:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 19, 2009 as FEDERATION OF WOMEN CONTRACTORS DAY in Illinois, and join FWC in celebration of their 20th anniversary of advocating for women in the construction industry.

Issued by the Governor October 15, 2008

Filed by the Secretary of State October 17, 2008.

ILLINOIS ADMINISTRATIVE CODE

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