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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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

Issue #	Rules Due Date	Date of Issue
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
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10	February 22, 2011	March 4, 2011
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23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
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34	August 8, 2011	August 19, 2011
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39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Motor Fuel and Petroleum Standards Act

2) Code Citation: 8 Ill. Adm. Code 850

3) Section Number: 850.60 — Proposed Action: Amendment

4) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]

5) A Complete Description of the Subjects and Issues Involved: Section 850.60 provides exceptions to the ASTM gasoline specification for gasoline-oxygenate blends sold or offered for sale in Illinois. Concern was expressed by the petroleum marketers regarding the cost and availability of compliant fuel. A delay in enforcement until May 1, 2012, will allow time for the ASTM specification to be amended for ethanol blends.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

217/524-9050
217/785-4505 (fax)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: This amendment was not included in either of the two most recent agendas because it was not anticipated.

The full text of the Proposed Amendment is identical to that of the Emergency for this rulemaking, and begins in this issue of the *Illinois* Register on page 5615.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Local Building Codes

2) Code Citation: 71 Ill. Adm. Code 300

3)

Section Numbers:	Proposed Action:
300.10	New
300.20	New
300.30	New

4) Statutory Authority: Implementing and authorized by the Capital Development Board [20 ILCS 3105] and the Illinois Building Commission Act [20 ILCS 3918]

5) A Complete Description of the Subjects and Issues Involved: Legislation passed in 2009 amends the Capital Development Board Act requiring the Capital Development Board to establish qualifications for building inspectors in non-building code jurisdictions.

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? Yes

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 as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Lisa Mattingly, Administrator of Professional Services
Capital Development Board
401 S. Spring Street
3rd Floor William G. Stratton Bldg.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

Springfield, IL 62706

217/524-6408
lisa.mattingly@illinois.gov

12) 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: Licensure in Illinois as an architect or engineer; qualified through the Illinois State Board of Education's procedures as a building inspector or plan reviewer; or qualified by an apprentice program certified by the Bureau of Apprentice Training.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the rulemaking was not anticipated.

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER a: RULES

PART 300
LOCAL BUILDING CODES

Section
300.10 Purpose and Scope
300.20 Definitions
300.30 Specific Requirements for Qualified Inspectors Filing Verification of Inspection Experience

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Illinois Building Commission Act [20 ILCS 3918].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

Section 300.10 Purpose and Scope

a) The purpose of this Part is to set forth the minimum qualifications as specified in 20 ILCS 3105/10.09-1(d) for an individual to perform building code inspections that comply with the building codes adopted by the Board for non-building code jurisdictions.

b) The requirements set forth in this Part shall apply to all newly constructed commercial buildings in non-building code jurisdictions. These buildings shall comply with codes adopted by the Capital Development Board for non-building code jurisdictions as defined in 20 ILCS 3105/10.09 and shall comply with any local building ordinances in all other respects.

Section 300.20 Definitions

"Architect" means an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Financial and Professional Regulation that implement that Act (68 Ill. Adm. Code 1150).

"Engineer" means an engineer licensed to practice in Illinois under the Professional Engineering Practice Act of 1989 [225 ILCS 325] and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1380).

"Non-Building Code Jurisdiction" means any area of the State not subject to a building code imposed by either a county or municipality. [20 ILCS 3105/10.09-1(d)]

"Qualified Inspector" means an individual meeting the requirements under Section 300.30 of this Part to conduct inspections in non-building code jurisdictions.

Section 300.30 Specific Requirements for Qualified Inspectors Filing Verification of Inspection Experience

In order to have sufficiently filed verification of inspection experience, the individual shall have fulfilled one of the following requirements:

a) obtained professional licensure as an architect or engineer in Illinois;

b) received a "Proper Identification" card through Illinois State Board of Education's procedures as a qualified building inspector/plan reviewer (23 Ill. Adm. Code 180); or

c) qualified by an apprentice program certified by the Bureau of Apprentice Training.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

2) Code Citation: 74 Ill. Adm. Code 900

3)

Section Numbers:	Proposed Action:
900.120	Amendment
900.125	New Section

4) Statutory Authority: Authorized by State Prompt Payment Act [30 ILCS 540]

5) A Complete Description of the Subjects and Issues Involved: This Part is a joint rulemaking of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900. These proposed amendments revise Section 900.120 (n) of the Prompt Payment rules. That Section currently disqualifies from prompt payment interest any underlying payment that has been assigned by a vendor to any third party. The amendments will allow for the payment of prompt payment interest for payments that have been assigned or sold to a third party if the assignment or sale is pursuant to a vendor payment program that is approved by the Department of Central Management Services and the Comptroller. These proposed amendments also create Section 900.125 of the Prompt Payment rules. That Section sets forth vendor payment program procedures and policies, including explicit criteria as to which lenders may participate in the program.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois State Comptroller's Quarterly Report for July, 2009, April, 2010, and October, 2010.

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: To provide immediate relief to State vendors and their employees who are struggling due to the current backlog of unpaid State bills. Additionally, these amendments will protect vendors from unscrupulous lenders who are

currently demanding a percentage of the underlying principal payment due from the State. The amendments will allow vendors to receive the full amount of their underlying principal payment in return for an assignment of their prompt payment interest.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Lynn Carter
Deputy General Counsel
Illinois Department of Central Management Services
James R. Thompson Center, Suite 4-607
100 West Randolph Street
Chicago, Illinois 60601

312/814-1569
lynn.carter@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: State vendors

B) Reporting, bookkeeping or other procedures required for compliance: None, except for State vendors who choose to participate in a vendor payment program. Those vendors will be required to complete an assignment form and will receive assistance from the purchasers in doing so.

C) Types of professional skills necessary for compliance: None.

14) Regulatory Agenda on which this rulemaking was summarized: None. IOC and CMS had not agreed to amendments at that time.

The text of the Proposed Amendments is identical to the text of the Emergency Amendments on Page 5619 of this issue of the Illinois Register.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Proposed Action:
310.50	Amendment
310.APPENDIX A TABLE AA	Amendment

4) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

5) A Complete Description of the Subjects and Issues Involved: When Extensions of Jurisdiction (80 Ill. Adm. Code 305) Section 305.270 went into effect December 30, 2009, the Memorandum of Agreement (MOA) between the Teamsters Local 916 and the State of Illinois (CMS) signed August 10, 2009 pay provisions also went into effect and the Pay Plan should have been amended to reflect that. The MOA contains provision (1) initiating a classification study, provision (3) continuing representation by the Teamsters and Attachment B identifying the salaries to take effect when Personnel Code jurisdiction is extended. The identified salaries include the 2.5% wage increase the employees would have received effective July 1, 2009 given the Agreement by and between the Teamsters Local 916 and the Illinois Departments of CMS, Transportation and Natural Resources July 1, 2008 to June 30, 2012 signed January 6, 2009. Following the extensions of Personnel Code jurisdiction effective December 30, 2009, while the class study was in progress, the positions were allocated to the interim classification Public Service Administrator (PSA), Option 9T. Option 9T equates to Teamster Management Information Systems in effect from December 30, 2009 through February 1, 2011.

The classification study was completed. The classifications of End-User Computer Services Specialist I, End-User Computer Services Specialist II and End-User Computer Systems Analyst were established as approved by the Civil Service Commission effective February 1, 2011; all incumbents of the PSA, Option 9T, were reclassified to the new classifications.

In the table of contents and Section 310.Appendix A Table AA heading, Central Management Services is added to the Departments identified as having positions represented by the NR-916 bargaining unit.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.50, a description of 9T is added to the definition of Option.

In Section 310.Appendix A Table AA, a statement is added regarding the extensions of Personnel Code jurisdiction, allocation of positions to the interim Public Service Administrator title Option 9T and assignment of salaries effective December 30, 2009. A Note is added to locate the definition of the Option for a description of 9T.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
310.210	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table C	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table G	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table K	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table L	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table P	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table Q	Amendment	35 Ill. Reg. 678, January 14, 2011
310.47		35 Ill. Reg. 2841, February 18, 2011
310.Appendix A Table AA	Amendment	35 Ill. Reg. 2841, February 18, 2011
310.495	Amendment	35 Ill. Reg. 3874, March 4, 2011
310.Appendix A Table N	Amendment	35 Ill. Reg. 3874, March 4, 2011

11) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Jason Doggett

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

Phone: 217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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: Generally as 310.Appendix A negotiated rate table changes, July 2011.

The text of the Proposed Amendments is identical to the text of the Emergency Amendments on page 5633 of this issue of the Illinois Register.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Reports of Accidents or Incidents by Persons Engaging in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities

2) Code Citation: 83 Ill. Adm. Code 595

3)

Section Number:	Proposed Action:
595.110	Amendment

4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6]

5) A Complete Description of the Subjects and Issues Involved: Section 6 of the Illinois Gas Pipeline Safety Act requires persons who engage in the transportation of gas or who own or operate pipeline facilities to file with the Commission, under such rules as the Commission prescribes, reports of all accidents, involving pipeline facilities or the transportation of gas.

There are differences between the Commission's current definition of "accident" and the definition in the federal pipeline regulations. It is appropriate to initiate rulemaking to amend Part 595, given that Section 3 of the Act requires the Commission's rules to be "at least as inclusive, as stringent, and compatible with, the minimum safety standards adopted by the Secretary of Transportation under the Federal Act." The proposed amendment will incorporate by reference the federal definition.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency amendments currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0223, with:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations that are not already jurisdictional entities.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting

C) Types of professional skills necessary for compliance: Managerial

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 595
REPORTS OF ACCIDENTS OR INCIDENTS BY PERSONS ENGAGED IN THE TRANSPORTATION OF GAS, OR WHO OWN OR OPERATE GAS PIPELINE FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
595.10 Exemption from 83 Ill. Adm. Code 220

SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

Section
595.110 Definitions
595.120 Reporting of Accidents or Incidents
595.130 Immediate Reports

AUTHORITY: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6].

SOURCE: Filed July 16, 1970; codified at 8 Ill. Reg. 7616; amended at 10 Ill. Reg. 8970, effective June 1, 1986; recodified from 92 Ill. Adm. Code 1810 at 12 Ill. Reg. 12998; amended at 13 Ill. Reg. 2036, effective February 1, 1989; amended at 22 Ill. Reg. 20083, effective November 7, 1998; amended at 32 Ill. Reg. 8128, effective May 15, 2008; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

Section 595.110 Definitions

"Accident or incident", for the purposes of this Part, shall mean any or all of the events listed in 49 CFR 191.3 as of January 1, 2011~~following~~, the cause of which is gas escaping from pipeline facilities or liquefied natural gas facilities. No later amendment or editions are incorporated by this definition.~~:~~

~~personal injury requiring hospitalization;~~

~~fatality; and~~

~~property damage exceeding $50,000.~~

"Commission" shall mean the Illinois Commerce Commission.

"Gas" shall mean natural gas, flammable gas or gas which is toxic or corrosive.

"Liquefied natural gas facility" means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

"Person" shall mean any individual, firm, joint venture, partnership, corporation, association, municipalities, cooperative association, and includes any trustee, receiver, assignee or personal representative thereof.

"Pipeline facilities" shall include new and existing pipe, rights-of-way and any equipment, facility or building used in the transportation of gas or the treatment of gas during the course of such transportation.

"Transportation of gas" shall mean the gathering, transmission or distribution of gas by pipeline or its storage within this state and not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Pipeline Safety Act.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Licensing of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 330

3) Section Number: 330.40 Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]

5) A Complete Description of the Subjects and Issues Involved: This proposed amendment will update and clarify general licenses and license exemptions and requirements for manufacture and distribution of radioactive material.

This proposed amendment will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 30, 32, and 35 regulations currently in place for use of radioactive materials. Agreement States such as Illinois were required to have these changes in place by October 29, 2010. (These changes were adopted 2/7/11 and inadvertently deleted by another amendment the section adopted on 2/28/11.) NRC has assigned this rulemaking a compatibility category of B. This means that the Illinois rule must have language essentially identical to NRC's because of transboundary considerations. Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and has indicated that this amendment is needed to ensure compatibility with 10 CFR 30, 32, and 35. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the *Illinois Register*.

6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

8) Does this rulemaking contain an automatic repeal date? No

9) Does rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify their 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/524-0770 (voice)
217/782-6133 (TDD)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: This rulemaking should not affect small businesses, municipalities or not for profit corporations.

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 2010

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment is identical to that of the Emergency Amendment and can be found in this issue of the *Illinois Register* page 5654.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Suitability in Annuity Transactions

2) Code Citation: 50 Ill. Adm. Code 3120

3)

Section Numbers:	Proposed Action:
3120.20	Amendment
3120.30	Amendment
3120.40	Amendment
3120.50	Amendment
3120.60	Renumbered; New Section
3120.70	Renumbered; Amendment
3120.80	Renumbered; Amendment
3120.90	Renumbered; Amendment

4) Statutory Authority: Implementing and authorized by Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]

5) A Complete Description of the Subjects and Issues Involved: The proposed rule amends Part to conform with recent changes to the National Association of Insurance Commissioners' (NAIC) Suitability in Annuity Transactions Model Regulation that was modified in the first quarter of 2010. The changes are designed to strengthen the present regulation by holding insurers responsible for annuity suitability whether the insurer contracts with a third party to supervise or monitor the marketing and sale of annuities; require producer training on the provisions of annuities in general and the specific products they are selling; and make the suitability standards more consistent with the suitability standards imposed by the Financial Industry Regulatory Authority.

6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objective: 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:

James Rundblom, Staff Attorney
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/785-8559
217/524-9033 (fax)

or

Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/785-8220

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Insurance producers

B) Reporting, bookkeeping or other procedures required for compliance: Please see the procedures set forth in the rule.

C) Types of professional skills necessary for compliance: Insurance sales

14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE~~FINANCIAL AND PROFESSIONAL REGULATION~~
SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE REPRESENTATIVES AND REGISTERED FIRMS

PART 3120
SUITABILITY IN ANNUITY TRANSACTIONS

Section
3120.10 Purpose
3120.20 Scope
3120.30 Exemptions
3120.40 Definitions
3120.50 Duties of Insurers and Insurance Producers
3120.60 Insurance Producer Training
3120.70~~60~~ Compliance Mitigations; Penalties~~Mitigation of Responsibility~~
3120.80~~70~~ Recordkeeping
3120.90~~80~~ Noncompliance

AUTHORITY: Implementing and authorized by Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 31 Ill. Reg. 12747, effective January 1, 2008; amended at 35 Ill. Reg. _____, effective _____.

Section 3120.20 Scope

This Part shall apply to any recommendation to purchase, ~~or~~ exchange or replace an annuity made to a consumer by an insurer when~~where~~ no producer is involved, that results in the purchase, ~~or~~ exchange or replacement recommended.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 3120.30 Exemptions

Unless otherwise specifically included, this Part shall not apply to recommendations involving:

a) Direct response solicitations where there is no recommendation based on information collected from the consumer pursuant to this Part;~~.~~

b) Contracts used to fund:

1) An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);

2) A plan described by sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the Internal Revenue Code (IRC) (26 USCS 401 et seq.), as amended, if established or maintained by an employer;

3) A government or church plan defined in section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under section 457 of the IRC;

4) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

5) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

6) Formal prepaid funeral contracts.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 3120.40 Definitions

Annuity means an insurance product under State law ~~a fixed or variable annuity~~ that is individually solicited, whether the product is classified as an individual or group annuity.

Code means the Illinois Insurance Code [215 ILCS 5].

Continuing Education Credit or CE Credit means one continuing education credit as described in Section 3120.60 of this Part.

Continuing Education Provider or CE Provider means an individual or entity that is approved to offer continuing education courses pursuant to Section 3120.60 of this Part.

Department means the Department of Insurance~~Financial and Professional Regulation~~.

Director means the Director of the Illinois Department of ~~Financial and Professional Regulation-Division of~~ Insurance.

FINRA means the Financial Industry Regulatory Authority or a succeeding agency.

~~Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.~~

Insurance Producer means a person required to be licensed under the laws of this State to sell, solicit, or negotiate insurance, including annuities.

Insurer means an entity~~a company~~ required to be licensed under the laws of this State to provide insurance products, including annuities.

Recommendation means advice provided by an insurance producer, or an insurer when~~where~~ no producer is involved, to an individual consumer that results in a purchase, ~~or~~ exchange, or replacement of an annuity in accordance with that advice.

Replacement means a transaction in which a new policy or contract is to be purchased, and it is known or should be known to the proposing producer, or to the proposing insurer if there is no producer, that by reason of the transaction an existing policy or contract has been or is to be:

Lapsed, forfeited, surrendered or partially surrendered, assigned to the replacing insurer or otherwise terminated;

Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;

Amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;

Reissued with any reduction in cash value;

Used in a financed purchase.

Suitability Information means information that is reasonably appropriate to determine the suitability of a recommendation, including the following:

Age;

Annual income;

Financial situation and needs, including the financial resources used for the funding of the annuity;

Financial experience;

Financial objectives;

Intended use of the annuity;

Financial time horizon;

Existing assets, including investment and life insurance holdings;

Liquidity needs;

Liquid net worth;

Risk tolerance; and

Tax status.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 3120.50 Duties of Insurers and Insurance Producers

a) In recommending to a consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the insurance producer, or the insurer when~~where~~ no producer is involved, shall have reasonable grounds for believing that the recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer as to his or her investments and other insurance products and as to his or her financial situation and needs, including the consumer's suitability information, and that there is a reasonable basis to believe all of the following:~~.~~

1) The consumer has been reasonably informed of various features of the annuity, such as the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders or annuitizes the annuity, mortality and expense fees, investment advisory fees, potential charges for and features of riders, limitations on interest returns, insurance and investment components and market risk;

2) The consumer would benefit from certain features of the annuity, such as tax-deferred growth, annuitization or death or living benefit;

3) The particular annuity as a whole, the underlying subaccounts to which funds are allocated at the time of purchase or exchange of the annuity, and riders and similar product enhancements, if any, are suitable (and in the case of an exchange or replacement, the transaction as a whole is suitable) for the particular consumer based on his or her suitability information; and

4) In the case of an exchange or replacement of an annuity, the exchange or replacement is suitable, including taking into consideration whether:

A) The consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits (such as death, living, or other contractual benefits), or be subject to increased fees, investment advisory fees or charges for riders and similar product enhancements;

B) The consumer would benefit from product enhancements and improvements; and

C) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding 36 months.

b) Prior to the execution of a purchase, ~~or~~ exchange or replacement of an annuity resulting from a recommendation, an insurance producer, or an insurer when~~where~~ no producer is involved, shall make reasonable efforts to obtain the consumer's suitability information. ~~concerning:~~

c) Except as permitted under subsection (d), an insurer shall not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity is suitable based on the consumer's suitability information.

~~1) The consumer's financial status;~~

~~2) The consumer's tax status;~~

~~3) The consumer's investment objectives; and~~

~~4) Such other information used or considered to be reasonable by the insurance producer, or the insurer where no producer is involved, in making recommendations to the consumer.~~

d)~~e)~~ Recommendation to Consumers~~Consumer~~

1) Except as provided under subsection (d~~e~~)(2), neither an insurance producer, nor an insurer ~~where no producer is involved~~, shall have any obligation to a consumer under subsection (a) or (c) related to any annuity transaction~~recommendation~~ if ~~a consumer~~:

A) No recommendation is made~~Refuses to provide relevant information requested by the insurer or insurance producer~~;

B) A recommendation was made and was later found to have been prepared based on materially inaccurate information provided by the consumer~~Decides to enter into an insurance transaction that is not based on a recommendation of the insurer or insurance producer~~; ~~or~~

C) A consumer refuses to provide relevant suitability information and the annuity transaction is not recommended; or~~Fails to provide complete or accurate information.~~

D) A consumer decides to enter into an annuity transaction that is not based on a recommendation of the insurer or the insurance producer.

2) An insurer's issuance of an annuity~~insurer or insurance producer's recommendation~~ subject to subsection (d~~c~~)(1) shall be reasonable under all the circumstances actually known to the insurer ~~or insurance producer~~ at the time ~~of~~ the annuity is issued~~recommendation~~.

e) An insurance producer or, when no insurance producer is involved, the responsible insurer representative, shall, at the time of sale:

1) Make a record of any recommendation subject to Section 3120.50(a) of this Part;

2) Obtain a customer signed statement documenting a customer's refusal to provide suitability information, if any; and

3) Obtain a customer signed statement acknowledging that an annuity transaction is not recommended if a customer decides to enter into an annuity transaction that is not based on the insurance producer's or insurer's recommendation.

f~~d~~) Supervision of Recommendations

1) An insurer ~~either~~ shall establish~~assure that~~ a supervision system ~~to supervise recommendations~~ that is reasonably designed to achieve the insurer's and its insurance producers' compliance with this Part, ~~is established and maintained by complying with subsections (d)(3) through (5) or shall establish and maintain such a system,~~ including, but not limited to, the following:

A) The insurer shall maintain and incorporate reasonable procedures to inform its insurance producers of the requirements of this

regulation into relevant insurance producer training manuals;~~Maintaining written procedures; and~~

B) The insurer shall establish standards for insurance producer product training and shall maintain reasonable procedures to require its insurance producers to comply with the requirements of Section 3120.60 of this Part; ~~Conducting periodic reviews of records that are reasonably designed to assist in detecting and preventing violations of this Part.~~

C) The insurer shall provide product-specific training and training materials that explain all material features of its annuity products to insurance producers;

D) The insurer shall maintain procedures for review of each recommendation prior to issuance of an annuity that are designed to ensure that there is a reasonable basis to determine that a recommendation is suitable. The review procedures may apply a screening system for the purpose of identifying selected transactions for additional review and may be accomplished electronically or through other means, including, but not limited to, physical review. Such an electronic or other system may be designed to require additional review only of those transactions identified for additional review by the selection criteria;

E) The insurer shall maintain reasonable procedures to detect recommendations that are not suitable. This may include, but is not limited to, confirmation of consumer suitability information, systematic customer surveys, interviews, confirmation letters and programs of internal monitoring. Nothing in this subsection (f)(1)(E) prevents an insurer from complying with this subsection (f)(1)(E) by applying sampling procedures, or by confirming suitability information after issuance or delivery of the annuity; and

F) The insurer shall annually provide a report to senior management, including the senior manager responsible for audit functions, that details a review, with appropriate testing, reasonably designed to determine the effectiveness of the supervision system, the

exceptions found, and corrective action taken or recommended, if any. ~~Conducting periodic reviews of its records that are reasonably designed to assist in detecting and preventing violations of this Part.~~

2) Nothing in this subsection (f) restricts an insurer from contracting for performance of a function (including maintenance of procedures) required under subsection (f)(1). An insurer is responsible for taking appropriate corrective action and may be subject to sanctions and penalties pursuant to Section 3120.90 of this Part regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with subsection (f)(3).

3) An insurer's supervision system under subsection (f)(1) shall include supervision of contractual performance under this subsection (f)(3). This includes, but is not limited to, the following:
~~A managing general agent, as defined in Section 141a of the Code, either shall adopt a system established by an insurer to supervise recommendations of its insurance producers that is reasonably designed to achieve compliance with this Part or shall establish and maintain such a system, including, but not limited to:~~

A) Monitoring and, as appropriate, conducting audits to assure that the contracted function is properly performed;~~Maintaining written procedures;~~ and

B) Annually obtaining a certification from a senior manager who has responsibility for the contracted function that the manager has a reasonable basis to represent, and does represent, that the function is properly performed.

4)~~3)~~ An insurer is not required to include in its system of supervision an insurance producer's recommendations to consumers of products other than the annuities offered by the insurer~~may contract with a third party, including a managing general agent, to establish and maintain a system of supervision as required by subsection (d)(1) with respect to insurance producers under contract with or employed by the third party~~.

g) An insurance producer shall not dissuade, or attempt to dissuade, a consumer from:

1) Truthfully responding to an insurer's request for confirmation of suitability information;

2) Filing a complaint;

3) Cooperating with the investigation of a complaint.

h) Sales made in compliance with FINRA requirements pertaining to suitability and supervision of annuity transactions shall satisfy the requirements of this Part. This subsection applies to FINRA broker-dealer sales of variable annuities and fixed annuities if the suitability and supervision is similar to those applied to variable annuity sales. However, nothing in this subsection shall limit the Director's ability to enforce (including investigate) the provisions of this Part.

i) For subsection (h) to apply, an insurer shall:

1) Monitor the FINRA member broker-dealer using information collected in the normal course of an insurer's business; and

2) Provide to the FINRA member broker-dealer information and reports that are reasonably appropriate to assist the FINRA member broker-dealer to maintain its supervision system.

~~4) An insurer shall make reasonable inquiry to assure that the third party, including a managing general agent, contracting under subsection (d)(3) is performing the functions required under subsection (d)(1) and shall take such action as is reasonable under the circumstances to enforce the contractual obligation to perform the functions. An insurer may comply with its obligation to make reasonable inquiry by doing all of the following:~~

~~A) The insurer annually obtains a certification from a third party, including a managing general agent or other person who has responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent, that the third party is performing the required functions; and~~

~~B) The insurer, based on reasonable selection criteria, periodically selects third parties contracting under subsection (d)(3) for a review to determine whether the third parties are performing the required functions. In conducting the review, the insurer shall perform those procedures that are reasonable under the circumstances.~~

~~5) An insurer that contracts with a third party, including a managing general agent, pursuant to subsection (d)(3) and that complies with the requirements to supervise in subsection (d)(4) shall have fulfilled its responsibilities under subsection (d)(1).~~

~~6) An insurer or managing general agent, is not required by subsection (d)(1) or (2) to:~~

~~A) Review, or provide for review of, all insurance producer solicited transactions; or~~

~~B) Include in its system of supervision an insurance producer's recommendations to consumers of products other than the annuities offered by the insurer or managing general agent.~~

~~7) A managing general agent contracting with an insurer pursuant to subsection (d)(3) shall promptly, when requested by the insurer pursuant to subsection (d)(4), give a certification as described in subsection (d)(4) or give a clear statement that it is unable to meet the certification criteria.~~

~~8) No person may provide a certification under subsection (d)(4)(A) unless:~~

~~A) The person is a senior manager with responsibility for the delegated functions; and~~

~~B) The person has a reasonable basis for making the certification.~~

~~e)Compliance with the National Association of Securities Dealers Conduct Rules (1735 K Street, N.W., Washington, D.C. 20006) (adopted by SR-NASD-95-39,~~

~~eff. Aug. 20, 1996, no later editions or amendments are included) pertaining to suitability shall satisfy the requirements of this Section for the recommendation of variable annuities. However, nothing in this subsection shall limit the Director's ability to enforce the provisions of this Part.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 3120.60 Insurance Producer Training

a) An insurance producer shall not solicit the sale of an annuity product unless the insurance producer has adequate knowledge of the product to recommend the annuity and the insurance producer is in compliance with the insurer's standards for product training. An insurance producer may rely on insurer-provided product-specific training standards and materials to comply with this subsection.

b) Training Requirements

1) An insurance producer who engages in the sale of annuity products shall complete a one-time four credit training course approved by the Department and provided by the Department approved education provider.

2) Insurance producers who hold a life insurance line of authority on the effective date of this Section and who desire to sell annuities shall complete the requirements of this Section within six months after the effective date of this Section. Individuals who obtain a life insurance line of authority on or after the effective date of this Section may not engage in the sale of annuities until the annuity training course required under this Section has been completed.

3) The minimum length of the training required under this Section shall be sufficient to qualify for at least four CE credits, but may be longer.

4) The training required under this Section shall include information on the following topics:

A) The types of annuities and various classifications of annuities;

B) Identification of the parties to an annuity;

C) How fixed, variable and indexed annuity contract provisions affect consumers;

D) The application of income taxation of qualified and non-qualified annuities;

E) The primary uses of annuities; and

F) Appropriate sales practices, replacement and disclosure requirements.

5) Providers of courses intended to comply with this Section shall cover all topics listed in the prescribed outline and shall not present any marketing information or provide training on sales techniques or provide specific information about a particular insurer's products. Additional topics may be offered in conjunction with and in addition to the required outline.

6) A provider of an annuity training course intended to comply with this Section shall register as a CE provider in this State and comply with the rules and guidelines applicable to insurance producer continuing education courses set forth in 50 Ill. Adm. Code 3119.60.

7) Annuity training courses may be conducted and completed by classroom or self-study methods in accordance with 50 Ill. Adm. Code 3119.60.

8) Providers of annuity training shall comply with the reporting requirements and shall issue certificates of completion in accordance with 50 Ill. Adm. Code 3119.60.

9) The satisfaction of the training requirements of another state that are substantially similar to the provisions of this Section shall be deemed to satisfy the training requirements of this Section in this State.

10) An insurer shall verify that an insurance producer has completed the annuity training course required under this Section before allowing the producer to sell an annuity product for that insurer. An insurer may satisfy its responsibility under this subsection (b)(10) by obtaining certificates of

completion of the training course or obtaining reports provided by commissioner-sponsored database systems or vendors or from a reasonably reliable commercial database vendor that has a reporting arrangement with approved insurance education providers.

(Source: Old Section 3120.60 renumbered to Section 3120.70; new Section 3120.60 adopted at 35 Ill. Reg. _____, effective _____)

Section 3120.70~~60~~ Compliance Mitigations; Penalties~~Mitigation of Responsibility~~

a) An insurer is responsible for compliance with this Part. If a violation occurs, either because of the action or inaction of the insurer or its insurance producer, ~~In addition to any other action authorized by the Code,~~ the Director may order:

1) An insurer to take reasonably appropriate corrective action for any consumer harmed by the insurer's, or by its insurance producer's, violation of this Part;

2)~~b)~~ A general agency, an independent agency or the~~An~~ insurance producer to take reasonably appropriate corrective action for any consumer harmed by the insurance producer's violation of this Part; and

3)~~c)~~ Appropriate penalties and sanctions, including, but not limited to, those set forth in Section 3120.90 of this Part.~~A managing general agent that employs or contracts with an insurance producer to sell or solicit the sale of annuities to consumers shall take reasonably appropriate corrective action for any consumer harmed by the insurance producer's violation of this Part.~~

b) Any applicable penalty for a violation of this Part may be reduced or eliminated at the sole discretion of the Director if corrective action for the consumer was taken promptly after a violation was discovered or the violation was not part of a pattern or practice.

(Source: Renumbered from Section 3120.60 and amended at 35 Ill. Reg. _____, effective _____)

Section 3120.80~~70~~ Recordkeeping

a) Insurers, ~~managing~~ general agents, independent agencies and insurance producers shall maintain and be able to make available to the Director records of the information collected from the consumer and other information used in making the recommendations that were the basis for insurance transactions for 7 years after the insurance transaction is completed by the insurer. An insurer is permitted, but shall not be required, to maintain documentation on behalf of an insurance producer.

b) Records required to be maintained by this Part may be maintained in paper, photographic, microprocess, magnetic, mechanical or electronic media, or by any process that accurately reproduces the original document.

(Source: Renumbered from Section 3120.70 and amended at 35 Ill. Reg. _____, effective _____)

Section 3120.90~~80~~ Noncompliance

Violation of the requirements of this Part may~~shall~~ be considered evidence of misrepresentation under Section 149 of the Illinois Insurance Code and/or a deceptive act or practice prohibited under Sections 423 and 424 of the Illinois Insurance Code.~~an unfair trade practice and evidence of incompetence or untrustworthiness in the conduct of business under Section 500-70(a)(7) and (8) of the Code.~~

(Source: Renumbered from Section 3120.80 and amended at 35 Ill. Reg. _____, effective _____)

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

2) Code Citation: 74 Ill. Adm. Code 330

3) This Part contains no Section numbers or actions as it is a joint rule with CMS. The text of the rule appears at 74 Ill. Adm. Code 900.

4) Statutory Authority: Authorized by State Prompt Payment Act [30 ILCS 540]

5) A Complete Description of the Subjects and Issues Involved: This Part is a joint rulemaking of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900. These proposed amendments revise 74 Ill. Adm. Code 900.120 (n) of the Prompt Payment rules. That Section currently disqualifies from prompt payment interest any underlying payment that has been assigned by a vendor to any third party. The amendments will allow for the payment of prompt payment interest for payments that have been assigned or sold to a third party if the assignment or sale is pursuant to a vendor payment program that is approved by the Department of Central Management Services and the Comptroller. These proposed amendments also create 74 Ill. Adm. Code 900.125 of the Prompt Payment rules. That Section sets forth vendor payment program procedures and policies, including explicit criteria as to which lenders may participate in the program.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois State Comptroller's Quarterly Report for July, 2009, April, 2010, and October, 2010.

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No.

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: To provide immediate relief to State vendors and their employees who are struggling due to the current backlog of unpaid State bills. Additionally, these amendments will protect vendors from unscrupulous lenders who are currently demanding a percentage of the underlying principal payment due from the

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

State. The amendments will allow vendors to receive the full amount of their underlying principal payment in return for an assignment of their prompt payment interest.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Alissa J. Camp
General Counsel
Office of the Comptroller
Room 201 Statehouse
Springfield, IL 62706

217/782-6000
CampAJ@mail.ioc.state.il.us

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: State vendors

B) Reporting, bookkeeping or other procedures required for compliance: None except for State vendors who choose to participate in a vendor payment program. Those vendors will be required to complete an assignment form and will receive assistance from the purchasers in doing so.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: None. IOC and CMS had not agreed to amendments at that time.

The text of the Proposed Amendments is identical to the text of the Department of Central Management Services Emergency Amendments on page 5673 of this issue of the *Illinois Register*. (This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900.)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3)

Section Numbers:	Proposed Action:
211.2358	Amended
211.2800	New
211.3985	New
211.4460	New
211.5140	New
211.6587	New
211.6635	New

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5]

5) A Complete Description of the Subjects and Issues Involved: The United States Environmental Protection Agency (USEPA) has issued Control Techniques Guidelines (CTGs) for the following Group II and Group IV Consumer and Commercial Product Categories: Industrial Cleaning Solvents, Flat Wood Paneling Coatings, Flexible Packaging Printing Materials, Lithographic Printing Materials, and Letterpress Printing Materials, Miscellaneous Metal and Plastic Parts Coatings, Auto and Light-Duty Truck Coatings, Miscellaneous Industrial Adhesives, and Fiberglass Boat Manufacturing Materials. In response to issuance of those CTGs, the Illinois Environmental Protection Agency (IEPA) proposed amendments to Parts 211, 218, and 219, which were adopted by the Board in rulemaking dockets R10-8, R10-10, and R10-20. The USEPA, however, has notified the IEPA that additional amendments are necessary in order to obtain approval of a State Implementation Plan (SIP) addressing requirements under the federal Clean Air Act for sources of volatile organic material (VOM) emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. This rulemaking implements those additional amendments, proposes additional typographical corrections and clarifications, and amends certain provisions in response to comments received from industry representatives.

In Part 211, the IEPA's proposal amends one definition and adds six new definitions.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: IEPA states that its regulatory proposal relied on several sources. Copies of the documents the IEPA relied upon are available for review with the Pollution Control

Board and are listed below:

Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Flexible Package Printing, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines: Industrial Cleaning Solvents, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Flat Wood Paneling Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

Control Techniques Guidelines for Miscellaneous Industrial Adhesives, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

7) Will this rulemaking replace any emergency rulemakings currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No.

11) Statement of Statewide Policy Objective: 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)].

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. Comments should reference docket R11-23 and be addressed to:

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

Address all questions to Timothy Fox at 312-814-6085.

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact any small business, small municipality, and not for profit corporation that falls within one of the Group II or IV Product Categories and meets the applicability thresholds specified in the proposal.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking requires that the owner or operator of a subject source perform emissions monitoring, submit certifications, complete required tests, and maintain records and make reports as required.

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 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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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, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27, 28, 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. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-12 at 35 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 211.2358 Flat Wood Paneling

"Flat Wood Paneling" means natural finish hardwood plywood panels, hardwood panels with Class II finishes, tileboard, exterior siding, and printed interior panels made of hardwood~~,~~ plywood~~,~~ or thin particleboard.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 211.2800 Hardwood Plywood

"Hardwood Plywood" means plywood whose surface layer is a veneer of hardwood.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 211.3985 Natural Finish Hardwood Plywood Panel

"Natural Finish Hardwood Plywood Panel" means a panel whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by filters and toners.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 211.4460 Panel

"Panel" means a flat piece of wood or wood product usually rectangular and used inside homes and mobile homes for wall decorations.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 211.5140 Printed Interior Panel

"Printed Interior Panel" mean a panel whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 211.6587 Thin Particleboard

"Thin Particleboard" is a manufactured board ¼ inch or less in thickness made of individual wood particles that have been coated with a binder and formed into flat sheets by pressure.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 211.6635 Tileboard

"Tileboard" means paneling that has a colored waterproof surface coating.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area

2) Code Citation: 35 Ill. Adm. Code 218

3)

Section Numbers:	Proposed Action:
218.105	Amended
218.187	Amended
218.204	Amended
218.207	Amended
218.211	Amended
218.217	Amended
218.401	Amended
218.402	Amended
218.404	Amended
218.409	Amended
218.411	Amended
218.415	Amended
218.417	Amended
218.891	Amended
218.892	Amended
218.894	Amended
218.901	Amended
218.902	Amended
218.903	Amended
218.904	Amended

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5]

5) A Complete Description of the Subjects and Issues Involved: The United States Environmental Protection Agency (USEPA) has issued Control Techniques Guidelines (CTGs) for the following Group II and Group IV Consumer and Commercial Product Categories: Industrial Cleaning Solvents, Flat Wood Paneling Coatings, Flexible Packaging Printing Materials, Lithographic Printing Materials, and Letterpress Printing Materials, Miscellaneous Metal and Plastic Parts Coatings, Auto and Light-Duty Truck Coatings, Miscellaneous Industrial Adhesives, and Fiberglass Boat Manufacturing Materials. In response to issuance of those CTGs, the Illinois Environmental Protection Agency (IEPA) proposed amendments to Parts 211, 218, and 219, which were adopted by

the Board in rulemaking dockets R10-8, R10-10, and R10-20. The USEPA, however, has notified the IEPA that additional amendments are necessary in order to obtain approval of a State Implementation Plan (SIP) addressing requirements under the federal Clean Air Act for sources of volatile organic material (VOM) emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. This rulemaking implements those additional amendments, proposes additional typographical corrections and clarifications, and amends certain provisions in response to comments received from industry representatives.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The regulatory proposal relied on several sources. Copies of the documents the IEPA relied upon are available for review with the Pollution Control Board and are listed below:

Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Flexible Package Printing, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines: Industrial Cleaning Solvents, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Flat Wood Paneling Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

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Control Techniques Guidelines for Miscellaneous Industrial Adhesives, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

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 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)].

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. Comments should reference docket R11-23 and be addressed to:

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

Address all questions to Timothy Fox at 312/814-6085.

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

13) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact any small business, small municipality, and not for profit corporation that falls within one of the Group II or IV Product Categories and meets the applicability thresholds specified in the proposal.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking requires that the owner or operator of a subject source perform emissions monitoring, submit certifications, complete required tests, and maintain records and make reports as required.

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 2011

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: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCES

PART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

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218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines
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218.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C Reference Methods and Procedures
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218.APPENDIX E	List of Affected Marine Terminals
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218.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

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

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-12/20 at 30 Ill. Reg. 9684, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7086, effective April 30, 2007; amended in R08-8 at 32 Ill. Reg. 14874, effective August 26, 2008; amended in R10-10 at 34 Ill. Reg. 5330, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9096, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14174, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 469, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 218.105 Test Methods and Procedures

a) Coatings, Inks and Fountain Solutions
The following test methods and procedures shall be used to determine compliance of as applied coatings, inks, and fountain solutions with the limitations set forth in this Part.

1) Sampling: Samples collected for analyses shall be one-liter taken into a one-liter container at a location and time such that the sample will be representative of the coating as applied (i.e., the sample shall include any

dilution solvent or other VOM added during the manufacturing process). The container must be tightly sealed immediately after the sample is taken. Any solvent or other VOM added after the sample is taken must be measured and accounted for in the calculations in subsection (a)(3) of this Section. For multiple package coatings, separate samples of each component shall be obtained. A mixed sample shall not be obtained as it will cure in the container. Sampling procedures shall follow the guidelines presented in:

A) ASTM D 3925-81 (1985) standard practice for sampling liquid paints and related pigment coating. This practice is incorporated by reference in Section 218.112 of this Part.

B) ASTM E 300-86 standard practice for sampling industrial chemicals. This practice is incorporated by reference in Section 218.112 of this Part.

2) Analyses: The applicable analytical methods specified below shall be used to determine the composition of coatings, inks, or fountain solutions as applied.

A) Method 24 of 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part, shall be used to determine the VOM content and density of coatings. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.

B) Method 24A of 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part, shall be used to determine the VOM content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the Agency and USEPA that the plant coating formulation data are equivalent to Method 24A results, formulation data may be used. In the event of any inconsistency between a Method 24A test and formulation data, the Method 24A test will govern.

C) The following ASTM methods are the analytical procedures for determining VOM:

i) ASTM D 1475-85: Standard test method for density of paint, varnish, lacquer and related products. This test method is incorporated by reference in Section 218.112 of this Part.

ii) ASTM D 2369-87: Standard test method for volatile content of a coating. This test method is incorporated by reference in Section 218.112 of this Part.

iii) ASTM D 3792-86: Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph. This test method is incorporated by reference in Section 218.112 of this Part.

iv) ASTM D 4017-81 (1987): Standard test method for water content in paints and paint materials by the Karl Fischer method. This test method is incorporated by reference in Section 218.112 of this Part.

v) ASTM D 4457-85: Standard test method for determination of dichloromethane and 1,1,1, trichloroethane in paints and coatings by direct injection into a gas chromatograph. (The procedure delineated above can be used to develop protocols for any compounds specifically exempted from the definition of VOM.) This test method is incorporated by reference in Section 218.112 of this Part.

vi) ASTM D 2697-86: Standard test method for volume non-volatile matter in clear or pigmented coatings. This test method is incorporated by reference in Section 218.112 of this Part.

vii) ASTM D 3980-87: Standard practice for interlaboratory testing of paint and related materials. This practice is incorporated by reference in Section 218.112 of this Part.

viii) ASTM E 180-85: Standard practice for determining the precision data of ASTM methods for analysis of and testing of industrial chemicals. This practice is incorporated by reference in Section 218.112 of this Part.

ix) ASTM D 2372-85: Standard method of separation of vehicle from solvent-reducible paints. This method is incorporated by reference in Section 218.112 of this Part.

D) Use of an adaptation to any of the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section may not be used unless approved by the Agency and USEPA. An owner or operator must submit sufficient documentation for the Agency and USEPA to find that the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.

3) Calculations: Calculations for determining the VOM content, water content and the content of any compounds which are specifically exempted from the definition of VOM of coatings, inks and fountain solutions as applied shall follow the guidance provided in the following documents:

A) "A Guide for Surface Coating Calculation", EPA-340/1-86-016, incorporated by reference in Section 218.112 of this Part.

B) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coatings" (revised June 1986), EPA-450/3-84-019, incorporated by reference in Section 218.112 of this Part.

C) "A Guide for Graphic Arts Calculations", August 1988, EPA-340/1-88-003, incorporated by reference in Section 218.112 of this Part.

b) Automobile or Light-Duty Truck Test Protocol

1) The protocol for testing, including determining the transfer efficiency of coating applicators, at primer surfacer operations and topcoat operations at

an automobile or light-duty truck assembly source shall follow the procedures in the following:

A) Prior to May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" ("topcoat protocol"), December 1988, EPA-450/3-88-018, incorporated by reference in Section 218.112 of this Part.

B) On and after May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations" (topcoat protocol), September 2008, EPA-453/R-08-002, incorporated by reference in Section 218.112 of this Part.

2) Prior to testing pursuant to the applicable topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(E) shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated consistent with the applicable topcoat protocol. The proposal shall include, at a minimum, a comprehensive plan (including a rationale) for determining the transfer efficiency at each booth through the use of in-plant or pilot testing, the selection of coatings to be tested (for the purpose of determining transfer efficiency) including the rationale for coating groupings, the method for determining the analytic VOM content of as applied coatings and the formulation solvent content of as applied coatings, and a description of the records of coating VOM content as applied and coating's usage that will be kept to demonstrate compliance. Upon approval of the proposal by the Agency and USEPA, the compliance demonstration for a coating line may proceed.

c) Capture System Efficiency Test Protocols

1) Applicability
The requirements of subsection (c)(2) of this Section shall apply to all VOM emitting process emission units employing capture equipment (e.g., hoods, ducts), except those cases noted in this subsection (c)(1).

A) If an emission unit is equipped with (or uses) a permanent total enclosure (PTE) that meets Agency and USEPA specifications, and which directs all VOM to a control device, then the emission unit is exempted from the requirements described in subsection (c)(2) of this Section. The Agency and USEPA specifications to determine whether a structure is considered a PTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part. In this instance, the capture efficiency is assumed to be 100 percent and the emission unit is still required to measure control efficiency using appropriate test methods as specified in subsection (d) of this Section.

B) If an emission unit is equipped with (or uses) a control device designed to collect and recover VOM (e.g., carbon adsorber), an explicit measurement of capture efficiency is not necessary provided that the conditions given below are met. The overall control of the system can be determined by directly comparing the input liquid VOM to the recovered liquid VOM. The general procedure for use in this situation is given in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part, with the following additional restrictions:

i) Unless otherwise specified in subsection (c)(1)(B)(ii), the owner or operator shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 7-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 6 operating days to the total solvent usage for the same 7-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433 incorporated by reference at Section 218.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 72 hours following each 7-day period. A source that believes that the 7-day rolling period is not appropriate may use an alterative multi-day rolling period not to exceed 30 days, with the approval of the Agency and USEPA. In addition,

the criteria in subsection (c)(1)(B)(iii) or subsection (c)(1)(B)(iv) must be met.

ii) The owner or operator of the source engaged in printing located at 350 E. 22nd Street, Chicago, Illinois, shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 14-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 13 operating days to the total solvent usage for the same 14-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 17 days following each 14-day period. In addition, the criteria in subsection (c)(1)(B)(iii) or subsection (c)(1)(B)(iv) must be met.

iii) The solvent recovery system (i.e., capture and control system) must be dedicated to a single coating line, printing line, or other discrete activity that by itself is subject to an applicable VOM emission standard, or

iv) If the solvent recovery system controls more than one coating line, printing line or other discrete activity that by itself is subject to an applicable VOM emission standard, the overall control (i.e., the total recovered VOM divided by the sum of liquid VOM input from all lines and other activities venting to the control system) must meet or exceed the most stringent standard applicable to any line or other discrete activity venting to the control system.

2) Capture Efficiency Protocols
The capture efficiency of an emission unit shall be measured using one of the protocols given below. Appropriate test methods to be utilized in each of the capture efficiency protocols are described in appendix M of 40 CFR 51, incorporated by reference at Section 218.112 of this Part. Any error

margin associated with a test method or protocol may not be incorporated into the results of a capture efficiency test. If these techniques are not suitable for a particular process, then an alternative capture efficiency protocol may be used, pursuant to the provisions of Section 218.108(b) of this Part.

A) Gas/gas method using temporary total enclosure (TTE). The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G_w}{G_w + F_w}$$

where:

CE = Capture efficiency, decimal fraction;
G_w = Mass of VOM captured and delivered to control device using a TTE;
F_w = Mass of uncaptured VOM that escapes from a TTE.

Method 204B or 204C contained in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, is used to obtain G_w. Method 204D in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, is used to obtain F_w.

B) Liquid/gas method using TTE. The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_w}{L}$$

where:

CE = Capture efficiency, decimal fraction;
L = Mass of liquid VOM input to process emission unit;
F_w = Mass of uncaptured VOM that escapes from a TTE.

Method 204A or 204F contained in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, is used to obtain L. Method 204 D in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, is used to obtain F_w.

C) Gas/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure as determined by Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, and in which "F_B" and "G" are measured while operating only the affected line or emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G}{G + F_B}$$

where:

CE = Capture efficiency, decimal fraction;
G = Mass of VOM captured and delivered to control device;
F_B = Mass of uncaptured VOM that escapes from building enclosure.

Method 204B or 204C contained in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part is used to obtain G. Method 204E in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part is used to obtain F_B.

D) Liquid/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other

emission unit is located, as the enclosure as determined by Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, and in which "F_B" and "L" are measured while operating only the affected line or emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_B}{L}$$

where:

CE = Capture efficiency, decimal fraction;
L = Mass of liquid VOM input to process emission unit;
F_B = Mass of uncaptured VOM that escapes from building enclosure.

Method 204A or 204F contained in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part is used to obtain L. Method 204E in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part is used to obtain F_B.

E) Mass balance using Data Quality Objective (DQO) or Lower Confidence Limit (LCL) protocol. For a liquid/gas input where an owner or operator is using the DQO/LCL protocol and not using an enclosure as described in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, the VOM content of the liquid input (L) must be determined using Method 204A or 204F in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part. The VOM content of the captured gas stream (G) to the control device must be determined using Method 204B or 204C in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part. The results of capture efficiency calculations (G/L) must satisfy the DQO or LCL statistical analysis protocol as described in Section 3 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 218.112 of this Part. Where capture efficiency testing is done to determine emission reductions

for the purpose of establishing emission credits for offsets, shutdowns, and trading, the LCL protocol cannot be used for these applications. In enforcement cases, the LCL protocol cannot confirm non-compliance; capture efficiency must be determined using a protocol under subsection (c)(2)(A), (B), (C) or (D) of this Section, the DQO protocol of this subsection (c)(2)(E), or an alternative protocol pursuant to Section 218.108(b) of this Part.

BOARD NOTE: Where LCL was used in testing emission units that are the subject of later requests for establishing emission credits for offsets, shutdowns, and trading, prior LCL results may not be relied upon to determine the appropriate amount of credits. Instead, to establish the appropriate amount of credits, additional testing may be required that would satisfy the protocol of Section 218.105(c)(2)(A), (B), (C) or (D), the DQO protocol of Section 218.105(c)(2)(E), or an alternative protocol pursuant to Section 218.108(b) of this Part.

3) Simultaneous testing of multiple lines or emission units with a common control device. If an owner or operator has multiple lines sharing a common control device, the capture efficiency of the lines may be tested simultaneously, subject to the following provisions:

A) Multiple line testing must meet the criteria of Section 4 of USEPA's "Guidelines for Determining Capture Efficiency, " incorporated by reference at Section 218.112 of this Part;

B) The most stringent capture efficiency required for any individual line or unit must be met by the aggregate of lines or units; and

C) Testing of all the lines of emission units must be performed with the same capture efficiency test protocol.

4) Recordkeeping and Reporting

A) All owners or operators affected by this subsection must maintain a copy of the capture efficiency protocol submitted to the Agency and the USEPA on file. All results of the appropriate test methods and capture efficiency protocols must be reported to the Agency

within 60 days after the test date. A copy of the results must be kept on file with the source for a period of 3 years.

B) If any changes are made to capture or control equipment, then the source is required to notify the Agency and the USEPA of these changes and a new test may be required by the Agency or the USEPA.

C) The source must notify the Agency 30 days prior to performing any capture efficiency or control test. At that time, the source must notify the Agency which capture efficiency protocol and control device test methods will be used. Notification of the actual date and expected time of testing must be submitted a minimum of 5 working days prior to the actual date of the test. The Agency may at its discretion accept notification with shorter advance notice provided that such arrangements do not interfere with the Agency's ability to review the protocol or observe testing.

D) Sources utilizing a PTE must demonstrate that this enclosure meets the requirements given in Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, for a PTE during any testing of their control device.

E) Sources utilizing a TTE must demonstrate that their TTE meets the requirements given in Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, for a TTE during testing of their control device. The source must also provide documentation that the quality assurance criteria for a TTE have been achieved.

F) Any source utilizing the DQO or LCL protocol must submit the following information to the Agency with each test report:

i) A copy of all test methods, Quality Assurance/Quality Control procedures, and calibration procedures to be used from those described in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part;

ii) A table with information on each sample taken, including the sample identification and the VOM content of the sample;

iii) The quantity of material used for each test run;

iv) The quantity of captured VOM for each test run;

v) The capture efficiency calculations and results for each test run;

vi) The DQO and/or LCL calculations and results; and

vii) The Quality Assurance/Quality Control results, including how often the instruments were calibrated, the calibration results, and the calibration gases used.

d) Control Device Efficiency Testing and Monitoring

1) The control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase VOM concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f) of this Section.

2) An owner or operator:

A) That uses an afterburner or carbon adsorber to comply with any Section of Part 218 shall use Agency and USEPA approved continuous monitoring equipment which is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use except as provided in subsection (d)(3) of this Section. The continuous monitoring equipment must monitor the following parameters:

i) For each afterburner which does not have a catalyst bed, the combustion chamber temperature of each afterburner.

ii) For each afterburner which has a catalyst bed, commonly known as a catalytic afterburner, the temperature rise

across each catalytic afterburner bed or VOM concentration of exhaust.

iii) For each carbon adsorber, the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

B) Must install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring device, such as a strip chart, recorder or computer, having an accuracy of ± 1 percent of the temperature measured in degrees Celsius or ± 0.5^{o} C, whichever is greater.

C) Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A), shall keep a separate record of the following data for the control devices, unless alternative provisions are set forth in a permit pursuant to Title V of the Clean Air Act:

i) For thermal afterburners for which combustion chamber temperature is monitored, all 3-hour periods of operation in which the average combustion temperature was more than 28°C (50°F) below the average combustion temperature measured during the most recent performance test that demonstrated that the operation was in compliance.

ii) For catalytic afterburners for which temperature rise is monitored, all 3-hour periods of operation in which the average gas temperature before the catalyst bed is more than 28°C (50°F) below the average gas temperature immediately before the catalyst bed measured during the most recent performance test that demonstrated that the operation was in compliance.

iii) For catalytic afterburners and carbon adsorbers for which VOM concentration is monitored, all 3-hour periods of operation during which the average VOM concentration or the reading of organics in the exhaust gases is more than 20 percent greater than the average exhaust gas concentration

or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of a carbon adsorber or performance test for a catalytic afterburner, which determination or test demonstrated that the operation was in compliance.

3) An owner or operator that uses a carbon adsorber to comply with Section 218.401 of this Part may operate the adsorber during periods of monitoring equipment malfunction, provided that:

A) The owner or operator notifies in writing the Agency within, 10 days after the conclusion of any 72 hour period during which the adsorber is operated and the associated monitoring equipment is not operational, of such monitoring equipment failure and provides the duration of the malfunction, a description of the repairs made to the equipment, and the total to date of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational;

B) During such period of malfunction the adsorber is operated using timed sequences as the basis for periodic regeneration of the adsorber;

C) The period of such adsorber operation does not exceed 360 hours in any calendar year without the approval of the Agency and USEPA; and

D) The total of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational shall be reported, in writing, to the Agency and USEPA by January 31st of the following calendar year.

e) Overall Efficiency

1) The overall efficiency of the emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol as specified in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part, (and revised by subsection (c)(1)(B) of this Section) for each solvent recovery

system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency used to calculate the product of the capture and control efficiency is the total capture efficiency over the entire line.

2) For coating lines which are both chosen by the owner or operator to comply with Section 218.207(c), (d), (e), (f), ~~or~~ (g), (m), or (n) of this Part by the alternative in Section 218.207(b)(2) of this Part and meet the criteria allowing them to comply with Section 218.207 of this Part instead of Section 218.204 of this Part, the overall efficiency of the capture system and control device, as determined by the test methods and procedures specified in subsections (c), (d) and (e)(1) of this Section, shall be no less than the equivalent overall efficiency which shall be calculated by the following equation:

$$E = \frac{VOM_a - VOM_l}{VOM_a} \times 100$$

where:

E = Equivalent overall efficiency of the capture system and control device as a percentage;

VOM_a = Actual VOM content of a coating, or the daily-weighted average VOM content of two or more coatings (if more than one coating is used), as applied to the subject coating line as determined by the applicable test methods and procedures specified in subsection (a) of this Section in units of kg VOM/1 (lb VOM/gal) of coating solids as applied;

VOM_l = The VOM emission limit specified in Section 218.204 or 218.205 of this Part in units of kg VOM/ℓ (lb VOM/gal) of coating solids as applied.

f) Volatile Organic Material Gas Phase Source Test Methods.
The methods in 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part delineated below shall be used to determine control device efficiencies.

1) 40 CFR 60, appendix A, Method 18, 25 or 25A, incorporated by reference in Section 218.112 of this Part as appropriate to the conditions at the site, shall be used to determine VOM concentration. Method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in subsections (f)(1)(A) and (B) below, the test shall consist of three separate runs, each lasting a minimum of 60 minutes, unless the Agency and the USEPA determine that process variables dictate shorter sampling times.

A) When the method is to be used to determine the efficiency of a carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three separate runs, each coinciding with one or more complete sequences through the adsorption cycles of all the individual absorber vessels.

B) When the method is to be used to determine the efficiency of a carbon adsorption system with individual exhaust stacks for each absorber vessel, each adsorber vessel shall be tested individually. The test for each absorber vessel shall consist of three separate runs. Each run shall coincide with one or more complete adsorption cycles.

2) 40 CFR 60, appendix A, Method 1 or 1A, incorporated by reference in Section 218.112 of this Part, shall be used for sample and velocity traverses.

3) 40 CFR 60, appendix A, Method 2, 2A, 2C or 2D, incorporated by reference in Section 218.112 of this Part, shall be used for velocity and volumetric flow rates.

4) 40 CFR 60, appendix A, Method 3, incorporated by reference in Section 218.112 of this Part, shall be used for gas analysis.

5) 40 CFR 60, appendix A, Method 4, incorporated by reference in Section 218.112 of this Part, shall be used for stack gas moisture.

6) 40 CFR 60, appendix A, Methods 2, 2A, 2C, 2D, 3 and 4, incorporated by

reference in Section 218.112 of this Part, shall be performed, as applicable, at least twice during each test run.

7) Use of an adaptation to any of the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section may not be used unless approved by the Agency and the USEPA on a case by case basis. An owner or operator must submit sufficient documentation for the Agency and the USEPA to find that the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.

g) Leak Detection Methods for Volatile Organic Material
Owners or operators required by this Part to carry out a leak detection monitoring program shall comply with the following requirements:

1) Leak Detection Monitoring

A) Monitoring shall comply with 40 CFR 60, appendix A, Method 21, incorporated by reference in Section 218.112 of this Part.

B) The detection instrument shall meet the performance criteria of Method 21.

C) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.

D) Calibration gases shall be:

i) Zero air (less than 10 ppm of hydrocarbon in air); and

ii) A mixture of methane or n-hexane and air at a concentration of approximately, but no less than, 10,000 ppm methane or n-hexane.

E) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.

2) When equipment is tested for compliance with no detectable emissions as

required, the test shall comply with the following requirements:

A) The requirements of subsections (g)(1)(A) through (g)(1)(E) of this Section shall apply.

B) The background level shall be determined as set forth in Method 21.

3) Leak detection tests shall be performed consistent with:

A) "APTI Course SI 417 controlling Volatile Organic Compound Emissions from Leaking Process Equipment", EPA-450/2-82-015, incorporated by reference in Section 218.112 of this Part.

B) "Portable Instrument User's Manual for Monitoring VOC Sources", EPA-340/1-86-015, incorporated by reference in Section 218.112 of this Part.

C) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", EPA-450/3-88-010, incorporated by reference in Section 218.112 of this Part.

D) "Petroleum Refinery Enforcement Manual", EPA-340/1-80-008, incorporated by reference in Section 218.112 of this Part.

h) Bulk Gasoline Delivery System Test Protocol

1) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR 60, Subpart XX, section 60.503, incorporated by reference in Section 218.112 of this Part.

2) Other tests shall be performed consistent with:

A) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", EPA-340/1-80-012, incorporated by reference in Section 218.112 of this Part.

B) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", EPA-450/2-77-026, incorporated by

reference in Section 218.112 of this Part.

i) Notwithstanding other requirements of this Part, upon request of the Agency where it is necessary to demonstrate compliance, an owner or operator of an emission unit which is subject to this Part shall, at his own expense, conduct tests in accordance with the applicable test methods and procedures specific in this Part. Nothing in this Section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.

j) Stage II Gasoline Vapor Recovery Test Methods
The methods for determining the acceptable performance of Stage II Gasoline Vapor Recovery System are delineated in "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities," found at EPA 450/3-91-022b and incorporated by reference in Section 218.112 of this Part. Specifically, the test methods are as follows:

1) Dynamic Backpressure Test is a test procedure used to determine the pressure drop (flow resistance) through balance vapor collection and control systems (including nozzles, vapor hoses, swivels, dispenser piping and underground piping) at prescribed flow rates.

2) Pressure Decay/Leak Test is a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities.

3) Liquid Blockage Test is a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: SOLVENT CLEANING

Section 218.187 Other Industrial Solvent Cleaning Operations

a) Applicability. On and after January 1, 2012~~April 1, 2011~~:

1) Except as provided in subsection (a)(2) of this Section, the requirements of this Section shall apply to all cleaning operations that use organic

materials at sources that emit a total of 226.8 kg per calendar month (500 lbs per calendar month)~~6.8 kg/day (15 lbs/day)~~ or more of VOM~~ from cleaning operations at the source~~, in the absence of air pollution control equipment, from cleaning operations at the source other than cleaning operations identified in subsection (a)(2) of this Section. For purposes of this Section, "cleaning operation" means the process of cleaning products, product components, tools, equipment, or general work areas during production, repair, maintenance, or servicing, including but not limited to spray gun cleaning, spray booth cleaning, large and small manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, and tank cleaning, at sources with emission units;

2) Notwithstanding subsection (a)(1) of this Section:

A) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (d), (e), (f), and (g) of this Section:

i) Cleaning operations subject to the limitations in Sections 218.182, 218.183, or 218.184;

ii) Janitorial cleaning;

iii) Stripping of cured coatings, inks, or adhesives~~, including screen reclamation activities~~;

iv) Cleaning operations in printing pre-press areas, including the cleaning of film processors, color scanners, plate processors, film cleaning, and plate cleaning;

B) Cleaning operations for emission units within the following source categories shall be exempt from the requirements of subsections (b), (c), (d), (e), (f), and (g) of this Section:

~~i)~~ ~~Aerospace coating;~~

i~~ii~~) Flexible package printing;

ii~~iii~~) Lithographic printing;

iii~~iv~~) Letterpress printing;

iv~~v~~) Flat wood paneling coating;

v~~vi~~) Large appliance coating;

vi~~vii~~) Metal furniture coating;

vii~~viii~~) Paper, film, and foil coating;

viii~~ix~~) Wood furniture coating;

~~x)~~ ~~Shipbuilding and repair coating;~~

ix~~xi~~) Plastic parts coating;

x~~xii~~) Miscellaneous metal parts coating;

xi~~xiii~~) Fiberglass boat manufacturing;

xii~~xiv~~) Miscellaneous industrial adhesives; and

xiii~~xv~~) Auto and light-duty truck assembly coating;

C) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (f), and (g) of this Section:

i) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;

ii) Cleaning conducted as part of performance laboratory tests on coatings, adhesives, or inks; research and development operations; or laboratory tests in quality assurance laboratories;

iii) Cleaning of paper-based gaskets and clutch assemblies where rubber is bonded to metal by means of an adhesive;

iv) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;

v) Cleaning of medical device and pharmaceutical manufacturing operations if the facility uses~~facilities using~~ no more than 1.5 gallons per day of solvents for such cleaning;

vi) Cleaning of adhesive application equipment used for thin metal laminating;

vii) Cleaning of electronic or electrical cables;

viii) Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached;

ix) Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery products using no more than three gallons per day of ethyl acetate;

x) Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings;

xi) Cleaning of application equipment used to apply solvent-borne fluoropolymer coatings;

xii) Cleaning of ultraviolet or electron beam adhesive application;

xiii) Cleaning of sterilization indicating ink application equipment if the facility uses no more than 1.5 gallons per day of solvents for such cleaning;

xiv) Cleaning of metering rollers, dampening rollers, and printing plates;

xv) Cleaning of numismatic dies; and

xvi) Cleaning operations associated with digital printing.

b) Material and Control Requirements. No owner or operator of a source subject to this Section, other than manufacturers of coatings, inks, adhesives, or resins, shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in subsection (b)(1), (b)(2), or (b)(3). No owner or operator of a source that manufactures coatings, inks, adhesives, or resins shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in at least one of the following subsections: (b)(1), (b)(2), (b)(3), (b)(4), or (b)(5).~~:~~

1) The VOM content of the as-used cleaning solutions does not exceed the following emissions limitations:

A) Product cleaning during manufacturing process or surface preparation for coating, adhesive, or ink application:

		kg/l	lb/gal
i)	Electrical apparatus components and electronic components	0.10	0.83
ii)	Medical device and pharmaceutical manufacturing	0.80	6.7

B) Repair and maintenance cleaning:

		kg/l	lb/gal
i)	Electrical apparatus components and electronic components	0.10	0.83
ii)	Medical device and pharmaceutical manufacturing tools, equipment, and machinery	0.80	6.7
iii)	Medical device and pharmaceutical manufacturing general work surfaces	0.60	5.0

C) Cleaning of ink application equipment:

		kg/l	lb/gal
i)	Rotogravure printing that does not print flexible packaging	0.10	0.83
ii)	Screen printing, including screen reclamation activities	0.50	4.2
iii)	Ultraviolet ink and electron beam ink application equipment, except screen printing	0.65	5.4
iv)	Flexographic printing that does not print flexible packaging	0.10	0.83

		kg/l	lb/gal
D)	Cleaning of equipment used in the manufacture of coatings, inks, adhesives, or resins	0.20	1.67

		kg/1	lb/gal
E~~D~~)	All other cleaning operations not subject to a specific limitation in subsections (b)(1)(A) through (b)(1)(D~~C~~) of this Section	0.050	0.42

2) The composite vapor pressure of each as-used cleaning solution used does not exceed 8.0 mmHg measured at 20°C (68°F); ~~or~~

3) An afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall, or for sources that manufacture coatings, inks, adhesives, or resins, an afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 80 percent overall and has a 90 percent efficiency. The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if such device reduces VOM emissions from the subject cleaning operation in accordance with the applicable capture and control

requirements above ~~by at least 85 percent overall~~, the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for such control device, and such plan is approved by the Agency and USEPA within federally enforceable permit conditions;~~.~~

4) For sources that manufacture coatings, inks, adhesives, or resins, the owner or operator complies with the following work practices:

A) Equipment being cleaned is maintained leak-free;

B) VOM-containing cleaning materials are drained from the cleaned equipment upon completion of cleaning;

C) VOM-containing cleaning materials, including waste solvent, are not stored or disposed of in such a manner that will cause or allow evaporation into the atmosphere; and

D) VOM-containing cleaning materials are stored in closed containers;

5) Sources that manufacture coatings, inks, adhesives, or resins may utilize solvents that do not comply with subsection (b)(1) or (b)(2) of this Section provided that all of the following requirements are met:

A) No more than 228 l (60 gal) of fresh solvent is used per calendar month. Solvent that is reused or recycled, either onsite or offsite, for further use in equipment cleaning or in the manufacture of coatings, inks, adhesives, or resins, shall not be included in this limit;

B) Solvents, including cleanup solvents, are collected and stored in closed containers; and

C) Records are maintained in accordance with subsection (e)(6).

c) The owner or operator of a subject source shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in

subsection (g) of this Section and by complying with the recordkeeping and reporting requirements specified in subsection (e) of this Section.

d) Operating Requirements. The owner or operator of a source subject to the requirements of this Section shall comply with the following for each subject cleaning operation. Such requirements are in addition to work practices set forth in subsections (b)(4) and (b)(5) of this Section, as applicable:

1) Cover open containers and properly cover and store applicators used to apply cleaning solvents;

2) Minimize air circulation around the cleaning operation;

3) Dispose of all used cleaning solutions, cleaning towels, and applicators used to apply cleaning solvents in closed containers;

4) Utilize equipment practices that minimize emissions;~~.~~

5) When using cleaning solvent for wipe cleaning, sources that manufacture coatings, inks, adhesives, or resins shall:

A) Cover open containers used for the storage of spent or fresh organic compounds used for cleanup or coating, ink, adhesive, or resin removal; and

B) Cover open containers used for the storage or disposal of cloth or paper impregnated with organic compounds that are used for cleanup or coating, ink, adhesive, or resin removal.

e) Recordkeeping and Reporting Requirements

1) The owner or operator of a source exempt from the limitations of this Section because of the criteria in subsection ~~Section 218.187~~(a)(1) of this Section~~Subpart~~ shall comply with the following:

A) By January 1, 2012~~April 1, 2011~~, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

i) A declaration that the source is exempt from the requirements of this Section because of the criteria in subsection ~~Section 218.187~~(a)(1);

ii) Calculations that demonstrate that combined emissions of VOM from cleaning operations at the source, other than cleaning operations identified in subsection (a)(2) of this Section, never equal or exceed 226.8 kg/month (500 lbs/month)~~6.8 kg/day (15 lbs/day)~~, in the absence of air pollution control equipment;

B) On and after January 1, 2012, collect and record the following information each month for each cleaning operation, other than cleaning operations identified in subsection (a)(2) of this Section:

i) The name and identification of each VOM-containing cleaning solution as applied in each cleaning operation;

ii) The VOM content of each cleaning solution as applied in each cleaning operation;

iii) The weight of VOM per volume and the volume of each as-used cleaning solution; and

iv) The total monthly VOM emissions from cleaning operations at the source;

C~~B~~) Notify the Agency of any record that shows that the combined emissions of VOM from cleaning operations at the source, other than cleaning operations identified in subsection (a)(2) of this Section, ever equal or exceed 226.8 kg/month (500 lbs/month)~~6.8 kg/day (15 lbs/day)~~, in the absence of air pollution control equipment, within 30 days after the event occurs.

2) All sources subject to the requirements of this Section shall:

A) By January 1, 2012,~~April 1, 2011,~~ or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

i) A declaration that all subject cleaning operations are in compliance with the requirements of this Section;

ii) Identification of each subject cleaning operation and each VOM-containing cleaning solution used as of the date of certification in such operation;

iii) If complying with the emissions control system requirement, what type of emissions control system will be used;

iv) Initial documentation that each subject cleaning operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;

v) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

vi) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in subsection ~~Section 218.187~~(d), and, if applicable, subsection (b)(4); and

vii) A description of each cleaning operation exempt pursuant to subsection ~~Section 218.187~~(a)(2), if any, and a listing of the emission units on which the exempt cleaning operation is performed;

B) At least 30 calendar days before changing the method of compliance between subsections (b)(1), ~~or~~ (b)(2), (b)(4), or (b)(5) and subsection (b)(3) of this Section, notify the Agency in writing of such change. The notification shall include a demonstration of compliance with the newly applicable subsection;

3) All sources complying with this Section pursuant to the requirements of subsection (b)(1) of this Section shall collect and record the following information for each cleaning solution used:

A) For each cleaning solution that is prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution;

iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);

iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

v) The VOM content of the as-used cleaning solution, with supporting calculations; and

vi) A calibration log for the automatic equipment, detailing periodic checks;

B) For each batch of cleaning solution that is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) Date, time of preparation, and each subsequent modification of the batch;

iii) The VOM content of each cleaning solvent in the cleaning solution;

iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are not prepared at the site but are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

4) All sources complying with this Section pursuant to the requirements of subsection (b)(2) of this Section shall collect and record the following information for each cleaning solution used:

A) The name and identification of each cleaning solution;

B) Date, time of preparation, and each subsequent modification of the batch;

C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;

D) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and

E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;

5) All sources complying with this Section pursuant to the requirements of subsection (b)(3) of this Section shall comply with the following:

A) By January 1, 2012~~April 1, 2011~~, or upon initial start-up of the source, whichever is later, and upon initial start-up of a new

emissions control system, include in the certification required by subsection (e)(3) of this Section a declaration that the monitoring equipment required under subsection ~~Section 218.187~~(f) of this Section~~Subpart~~ has been properly installed and calibrated according to manufacturer's specifications;

B) If testing of an emissions control system is conducted pursuant to subsection ~~Section 218.187~~(g) of this Section~~Subpart~~, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

i) A declaration that all tests and calculations necessary to demonstrate compliance with subsection ~~Section 218.187~~(b)(3) of this Section~~Subpart~~ have been properly performed;

ii) A statement whether the subject cleaning operation is or is not in compliance with subsection ~~Section 218.187~~(b)(3) of this Section~~Subpart~~; and

iii) The operating parameters of the emissions control system during testing, as monitored in accordance with subsection ~~Section 218.187~~(f) of this Section~~Subpart~~;

C) Collect and record daily the following information for each cleaning operation subject to the requirements of subsection ~~Section 218.187~~(b)(3) of this Section~~Subpart~~:

i) Emissions control system monitoring data in accordance with subsection ~~Section 218.187~~(f) of this Section~~Subpart~~, as applicable;

ii) A log of operating time for the emissions control system, monitoring equipment, and the associated cleaning equipment;

iii) A maintenance log for the emissions control system and monitoring equipment detailing all routine and non-routine

maintenance performed, including dates and duration of any outages;

D) Maintain records documenting the use of good operating practices consistent with the equipment manufacturer's specifications for the cleaning equipment being used and the emissions control system equipment. At a minimum, these records shall include:

i) Records for periodic inspection of the cleaning equipment and emissions control system equipment with date of inspection, individual performing the inspection, and nature of inspection;

ii) Records for repair of malfunctions and breakdowns with identification and description of incident, date identified, date repaired, nature of repair, and the amount of VOM released into the atmosphere as a result of the incident;

6) All sources complying with this Section pursuant to the requirements of subsection (b)(5) of this Section shall collect and record monthly the following information for each cleaning operation subject to the requirements of subsection (b)(5) of this Section:

A) The name, identification, and volume of each VOM-containing cleaning solution as applied in each cleaning operation;

B) The volume of each fresh cleaning solvent used for cleaning coating, ink, adhesive, or resin manufacturing equipment;

C) The volume of cleaning solvent recovered for either offsite or onsite reuse or recycling for further use in the cleaning of coating, ink, adhesive, or resin manufacturing equipment;

7) The owner or operator of a source with cleaning operations subject to one or more of the exclusions set forth in subsection (a)(2)(C)(v) or (a)(2)(C)(xiii), including sources exempt from the limitations of this Section because of the criteria in subsection (a)(1), shall:

A) By January 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes a declaration that the source has cleaning operations subject to one or more of the exclusions set forth in subsection (a)(2)(C)(v) or (a)(2)(C)(xiii), and a statement identifying each such cleaning operation and the exclusion applicable to each cleaning operation;

B) Collect and record the name, identification, and volume of each cleaning solvent as applied each day in each cleaning operation subject to one or more of the exclusions set forth in subsection (a)(2)(C)(v) or (a)(2)(C)(xiii); and

C) Notify the Agency in writing if the amount of cleaning solvent used in the cleaning of medical device and pharmaceutical manufacturing operations or of sterilization indicating ink application equipment at the source ever exceeds 1.5 gallons per day, within 30 days after the exceedance occurs;

8~~6~~) All sources subject to the requirements of subsections (b) and (d) of this Section shall notify the Agency of any violation of subsection (b) or (d) by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation;

9~~7~~) All records required by this subsection (e) shall be retained by the source for at least three years and shall be made available to the Agency upon request.

f) Monitoring Requirements

1) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to subsection ~~Section 218.187~~(b)(3) of this Section~~Subpart~~ shall:

A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring

shall be performed at all times when the emissions control system is operating; and

B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor;

2) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to subsection ~~Section 218.187~~(b)(3) of this Section~~Subpart~~ shall install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to subsection ~~Section 218.187~~(b)(3).

g) Testing Requirements

1) Testing to demonstrate compliance with the requirements of this Section shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Section. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during the testing;

2) Testing to demonstrate compliance with the VOM content limitations in subsection ~~Section 218.187~~(b)(1) of this Section~~Subpart~~, and to determine the VOM content of cleaning solvents and cleaning solutions, shall be conducted as follows:

A) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used, provided; however, Method 24, incorporated by reference in Section 218.112 of this Part, shall be used to demonstrate compliance; or

B) The manufacturer's specifications for VOM content for cleaning solvents may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in

accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance. In the event of any inconsistency between a Method 24 test and the manufacturer's specifications, the Method 24 test shall govern;

3) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;

4) For afterburners and carbon adsorbers, the methods and procedures of Section 218.105(d) through (f) shall be used for testing to demonstrate compliance with the requirements of subsection ~~Section 218.187~~(b)(3) of this Section~~Subpart~~, as follows:

A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;

B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;

C) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

i) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;

ii) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

iii) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates;

5) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of subsection ~~Section 218.187~~(b)(3) of this Section~~Subpart~~ as set forth in the owner's or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to subsection ~~Section 218.187~~(b)(3)~~ of this Subpart~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: COATING OPERATIONS

Section 218.204 Emission Limitations

Except as provided in Sections 218.205, 218.207, 218.208, 218.212, 218.215 and 218.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as otherwise provided in subsections (a), (c), (g), (h), (j), (l), (n), (p), and (q) of this Section, compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and compliance with emission limitations not marked with an asterisk

is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(c) of this Subpart except where noted. (Note: The equation presented in Section 218.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.) The emission limitations are as follows:

			kg/l	lb/gal
a)	Automobile or Light-Duty Truck Coating		kg/l	lb/gal
	1)	Prior to May 1, 2012:		
		A) Prime coat	0.14	(1.2)
			0.14*	(1.2)*
		B) Primer surface coat	1.81	(15.1)
			1.81*	(15.1)*

BOARD NOTE: The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(A) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the primer surfacer limitation.

			kg/l	lb/gal
		C) Topcoat	kg/l	lb/gal
			1.81	(15.1)
			1.81*	(15.1)*

BOARD NOTE: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(A) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 of this Part does not apply to the topcoat limitation.

		kg/l	lb/gal
D)	Final repair coat	0.58	(4.8)
		0.58*	(4.8)*

2) On and after May 1, 2012~~2011~~, subject automobile and light-duty truck coating lines shall comply with the following limitations. These limitations shall not apply to materials supplied in containers with a net volume of 0.47 liters (16 oz) or less, or a net weight of 0.45 kg (1 lb) or less:

A) Electrodeposition primer (EDP) operations. For purposes of this subsection (a)(2)(A), "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.

		kg VOM/l coating solids applied	lb VOM/gal coating solids applied
i)	When solids turnover ratio (R_T) is greater than or equal to 0.160	0.084	(0.7)
ii)	When R_T is greater than or	0.084 x	(0.084 x

	equal to 0.040 and less than 0.160	$350^{0.160-R_T}$	$350^{0.160-R_T}$ x 8.34)
B)	Primer surfacer operations	kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
	i) VOM content limitation	1.44	(12.0)

ii) Compliance with the limitation set forth in subsection (a)(2)(B)(i) shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the primer surfacer limitation.

C)	Topcoat operations	kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
	i) VOM content limitation	1.44	(12.0)

ii) Compliance with the limitation set forth in subsection (a)(2)(C)(i) shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the

method of demonstrating compliance with the protocol. Section 218.205 does not apply to the topcoat limitation.

D)	Combined primer surfacer and topcoat operations	kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
i)	VOM content limitation	1.44	(12.0)

ii) Compliance with the limitation set forth in subsection (a)(2)(D)(i) shall be based on the daily-weighted average from the combined primer surfacer and topcoat operations. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the combined primer surfacer and topcoat limitation.

E)	Final repair coat operations	kg/l coatings	lb/gal coatings
i)	VOM content limitation	0.58	(4.8)

ii) Compliance with the final repair operations limitation set forth in subsection (a)(2)(E)(i) shall be on an occurrence-weighted average basis, calculated in accordance with the equation below, in which clear coatings shall have a weighting factor of 2 and all other coatings shall have a weighting factor of 1. For purposes of this subsection (a)(2)(E)(ii), an "occurrence" is the application of the combination of coatings that constitute a final repair coat for a single automobile or light-duty truck. Section 218.205 does not apply to the final repair coat limitation.

$$VOM_{tot} = \frac{2VOM_{cc} + \sum_{i=1}^{n} VOM_i}{n+2}$$

where:

VOM_{tot} = Total VOM content of all coatings, as applied, on an occurrence weighted average basis, and used to determine compliance with this subsection (a)(2)(E).

i = Subscript denoting a specific coating applied.

n = Total number of coatings applied in the final repair operation, other than clear coatings.

VOM_{cc} = The VOM content, as applied, of the clear coat used in the final repair operation.

VOM_i = The VOM content of each coating used in the final repair operation, as applied, other than clear coatings.

F) Miscellaneous Materials. For reactive adhesives subject to this subsection (a)(2)(F), compliance shall be demonstrated in accordance with the methods and procedures set forth in appendix A to Subpart PPPP of 40 CFR 63, incorporated by reference in Section 218.112 of this Part.

		kg/l	lb/gal
i)	Glass bonding primer	0.90	(7.51)
ii)	Adhesive	0.25	(2.09)
iii)	Cavity wax	0.65	(5.42)
iv)	Trunk sealer	0.65	(5.42)
v)	Deadener	0.65	(5.42)

vi)	Gasket/gasket sealing material	0.20	(1.67)
vii)	Underbody coating	0.65	(5.42)
viii)	Trunk interior coating	0.65	(5.42)
ix)	Bedliner	0.20	(1.67)
x)	Weatherstrip adhesive	0.75	(6.26)
xi)	Lubricating wax/compound	0.70	(5.84)

b)	Can Coating	kg/l	lb/gal
1)	Sheet basecoat and overvarnish		
A)	Sheet basecoat	0.34 0.26*	(2.8) (2.2)*
B)	Overvarnish	0.34 0.34	(2.8) (2.8)*
2)	Exterior basecoat and overvarnish	0.34 0.25*	(2.8) (2.1)*
3)	Interior body spray coat		
A)	Two piece	0.51 0.44*	(4.2) (3.7)*
B)	Three piece	0.51 0.51*	(4.2) (4.2)*
4)	Exterior end coat	0.51 0.51*	(4.2) (4.2)*
5)	Side seam spray coat	0.66 0.66*	(5.5) (5.5)*

6)	End sealing compound coat	0.44 0.44*	(3.7) (3.7)*

c) Paper Coating

1)	Prior to May 1, 2011:	kg/l 0.28	lb/gal (2.3)
2)	On and after May 1, 2011:	kg VOM/kg (lb VOM/lb) solids applied	kg VOM/kg (lb VOM/lb) coatings applied
	A) Pressure sensitive tape and label surface coatings	0.20	(0.067)
	B) All other paper coatings	0.40	(0.08)

3) The paper coating limitation set forth in this subsection (c) shall not apply to any owner or operator of any paper coating line on which flexographic, rotogravure, lithographic, or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part. On and after May 1, 2011, the paper coating limitation shall also not apply to coating performed on or in-line with any digital printing press, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.

d)	Coil Coating	kg/l 0.31 0.20*	lb/gal (2.6) (1.7)*
e)	Fabric Coating	0.35 0.28*	(2.9) (2.3)*
f)	Vinyl Coating	0.45	(3.8)

			0.28*	(2.3)*
g)	Metal Furniture Coating			
	1)	Prior to May 1, 2011:		
			kg/l	lb/gal
		A) Air dried	0.34	(2.8)
		B) Baked	0.28	(2.3)
	2)	On and after May 1, 2011:		
			kg/l (lb/gal)	kg/l (lb/gal) solids applied
		A) General, One-Component	0.275 (2.3)	0.40 (3.3)
		B) General, Multi-Component		
		i) Air dried	0.340 (2.8)	0.55 (4.5)
		ii) Baked	0.275 (2.3)	0.40 (3.3)
		C) Extreme High Gloss		
		i) Air dried	0.340 (2.8)	0.55 (4.5)
		ii) Baked	0.360 (3.0)	0.61 (5.1)
		D) Extreme Performance		
		i) Air dried	0.420 (3.5)	0.80 (6.7)
		ii) Baked	0.360 (3.0)	0.61 (5.1)

E)	Heat Resistant		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)

3) On and after May 1, 2011, the limitations set forth in this subsection (g) shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

h) Large Appliance Coating

1) Prior to May 1, 2011:

	kg/l	lb/gal
A) Air dried	0.34	(2.8)
B) Baked	0.28	(2.3)

2) On and after May 1, 2011:

	kg/l (lb/gal)	kg/l (lb/gal) solids applied

A)	General, One Component	0.275 (2.3)	0.40 (3.3)
B)	General, Multi-Component		
	i) Air dried	0.340 (2.8)	0.55 (4.5)
	ii) Baked	0.275 (2.3)	0.40 (3.3)
C)	Extreme High Gloss		
	i) Air dried	0.340 (2.8)	0.55 (4.5)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
D)	Extreme Performance		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
E)	Heat Resistant		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
	i) Air dried	0.420	0.80

	(3.5)	(6.7)
ii) Baked	0.360	0.61
	(3.0)	(5.1)

3) The limitations set forth in this subsection (h) shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 1 (1 quart) in any one rolling eight-hour period. On and after May 1, 2011, these limitations shall also not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

i) Magnet Wire Coating	kg/1	lb/gal
	0.20	(1.7)
	0.20*	(1.7)*
j) Prior to May 1, 2012: Miscellaneous Metal Parts and Products Coating		
1) Clear coating	0.52	(4.3)
	0.52*	(4.3)*
2) Extreme performance coating		
A) Air dried	0.42	(3.5)
	0.42*	(3.5)*
B) Baked	0.42	(3.5)
	0.40*	(3.3)*
3) Steel pail and drum interior coating	0.52	(4.3)
	0.52*	(4.3)*
4) All other coatings		
A) Air dried	0.42	(3.5)
	0.40*	(3.3)*

B)	Baked	0.36	(3.0)
		0.34*	(2.8)*

5) Marine engine coating

A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked		
	i) Primer/Topcoat	0.42	(3.5)
		0.42*	(3.5)*
	ii) Corrosion resistant basecoat	0.42	(3.5)
		0.28*	(2.3)*
C)	Clear Coating	0.52	(4.3)
		0.52*	(4.3)*

6) Metallic Coating

A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked	0.36	(3.0)
		0.36	(3.0)*

7) Definitions

A) For purposes of subsection (j)(5) of this Section, the following terms are defined:

i) "Corrosion resistant basecoat" means, for purposes of subsection (j)(5)(B)(ii) of this Section, a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance.

ii) "Electrodeposition process" means, for purposes of subsection (j)(5) of this Section, a water-borne dip coating

process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.

iii) "Marine engine coating" means, for purposes of subsection (j)(5) of this Section, any extreme performance protective, decorative or functional coating applied to an engine that is used to propel watercraft.

B) For purposes of subsection (j)(6) of this Section, "metallic coating" means a coating which contains more than ¼ lb/gal of metal particles, as applied.

BOARD NOTE: On and after May 1, 2012, the limitations in Section 218.204(q) shall apply to this category of coating.

			kg/l	lb/gal
k)	Heavy Off-Highway Vehicle Products Coating			
	1)	Extreme performance prime coat	0.42 0.42*	(3.5) (3.5)*
	2)	Extreme performance topcoat (air dried)	0.42 0.42*	(3.5) (3.5)*
	3)	Final repair coat (air dried)	0.42 0.42*	(3.5) (3.5)*
	4)	All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j).		
l)	Wood Furniture Coating			
	1)	Limitations before March 15, 1998:	kg/l	lb/gal
		A) Clear topcoat	0.67	(5.6)
		B) Opaque stain	0.56	(4.7)

C)	Pigmented coat	0.60	(5.0)
D)	Repair coat	0.67	(5.6)
E)	Sealer	0.67	(5.6)
F)	Semi-transparent stain	0.79	(6.6)
G)	Wash coat	0.73	(6.1)

BOARD NOTE: Prior to March 15, 1998, an owner or operator of a wood furniture coating operation subject to this Section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.

2) On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections (l)(2)(A) through (E):

			kg VOM/ kg solids	lb VOM/ lb solids
A)	Topcoat		0.8	(0.8)
B)	Sealers and topcoats with the following limits:			
	i)	Sealer other than acid-cured alkyd amino vinyl sealer	1.9	(1.9)
	ii)	Topcoat other than acid-cured alkyd amino conversion varnish topcoat	1.8	(1.8)

iii)	Acid-cured alkyd amino vinyl sealer	2.3	(2.3)
iv)	Acid-cured alkyd amino conversion varnish topcoat	2.0	(2.0)

C) Meet the provisions of Section 218.215 of this Subpart for use of an averaging approach;

D) Achieve a reduction in emissions equivalent to the requirements of subsection (l)(2)(A) or (B) of this Section, as calculated using Section 218.216 of this Subpart; or

E) Use a combination of the methods specified in subsections (l)(2)(A) through (D) of this Section.

3) Other wood furniture coating limitations on and after March 15, 1998:

		kg/l	lb/gal
A)	Opaque stain	0.56	(4.7)
B)	Non-topcoat pigmented coat	0.60	(5.0)
C)	Repair coat	0.67	(5.6)
D)	Semi-transparent stain	0.79	(6.6)
E)	Wash coat	0.73	(6.1)

4) Other wood furniture coating requirements on and after March 15, 1998:

A) No source subject to the limitations of subsection (l)(2) or (3) of this Section and utilizing one or more wood furniture coating spray booths shall use strippable spray booth coatings containing more than 0.8 kg VOM/kg solids (0.8 lb VOM/lb solids), as applied.

B) Any source subject to the limitations of subsection (l)(2) or (3) of

this Section shall comply with the requirements of Section 218.217 of this Subpart.

C) Any source subject to the limitations of subsection (l)(2)(A) or (B) of this Section and utilizing one or more continuous coaters shall, for each continuous coater, use an initial coating which complies with the limitations of subsection (l)(2)(A) or (B) of this Section. The viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:

i) Monitor the viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time solvent is added;

ii) Collect and record the reservoir viscosity and the amount and weight of VOM per weight of solids of coating and solvent each time coating or solvent is added; and

iii) Maintain these records at the source for a period of three years.

m) Existing Diesel-Electric Locomotive Coating Lines in Cook County	kg/l	lb/gal
1) Extreme performance prime coat	0.42 0.42*	(3.5) (3.5)*
2) Extreme performance top-coat (air dried)	0.42 0.42*	(3.5) (3.5)*
3) Final repair coat (air dried)	0.42 0.42*	(3.5) (3.5)*
4) High-temperature aluminum coating	0.72 0.72*	(6.0) (6.0)*
5) All other coatings	0.36	(3.0)

				0.36*	(3.0)*
n)	Prior to May 1, 2012: Plastic Parts Coating: Automotive/Transportation			kg/l	lb/gal
	1)	Interiors			
		A)	Baked		
			i) Color coat	0.49*	(4.1)*
			ii) Primer	0.46*	(3.8)*
		B)	Air dried		
			i) Color coat	0.38*	(3.2)*
			ii) Primer	0.42*	(3.5)*
	2)	Exteriors (flexible and non-flexible)			
		A)	Baked		
			i) Primer	0.60*	(5.0)*
			ii) Primer non-flexible	0.54*	(4.5)*
			iii) Clear coat	0.52*	(4.3)*
			iv) Color coat	0.55*	(4.6)*
		B)	Air dried		
			i) Primer	0.66*	(5.5)*
			ii) Clear coat	0.54*	(4.5)*
			iii) Color coat (red & black)	0.67*	(5.6)*

		iv) Color coat (others)	0.61*	(5.1)*
	3)	Specialty		
		A) Vacuum metallizing basecoats, texture base coats	0.66*	(5.5)*
		B) Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings	0.71*	(5.9)*
		C) Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.77*	(6.4)*
		D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings	0.82*	(6.8)*
		E) Headlamp lens coatings	0.89*	(7.4)*

BOARD NOTE: On and after May 1, 2012, the limitations in Section 218.240(q) shall apply to this category of coating.

			kg/l	lb/gal
o)		Prior to May 1, 2012: Plastic Parts Coating: Business Machine		
	1)	Primer	0.14*	(1.2)*
	2)	Color coat (non-texture coat)	0.28*	(2.3)*
	3)	Color coat (texture coat)	0.28*	(2.3)*
	4)	Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings	0.48*	(4.0)*
	5)	Specialty coatings		
		A) Soft coat	0.52*	(4.3)*

B)	Plating resist	0.71*	(5.9)*
C)	Plating sensitizer	0.85*	(7.1)*

BOARD NOTE: On and after May 1, 2012, the limitations in Section 218.204(q) shall apply to this category of coating.

p) Flat Wood Paneling Coatings. On and after August 1, 2010, flat wood paneling coatings shall comply with one of the following limitations:

1) 0.25 kg VOM/1 of coatings (2.1 lb VOM/gal coatings); or

2) 0.35 kg VOM/1 solids (2.9 lb VOM/gal solids).

q) Miscellaneous Metal Parts and Products Coatings and Plastic Parts and Products Coatings On and After May 1, 2012. On and after May 1, 2012, the owner or operator of a miscellaneous metal or plastic parts coating line shall comply with the limitations in this subsection (q). The limitations in this subsection (q) shall not apply to aerosol coating products, powder coatings, or primer sealants and ejection cartridge sealants used in ammunition manufacturing. Primer sealants and ejection cartridge sealants shall instead be regulated under Subpart TT of this Part.

1) Metal Parts and Products. For purposes of this subsection (q)(1), "corrosion resistant basecoat" means a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance. ~~Also for purposes of this subsection (q)(1), "marine engine coating" means any extreme performance protective, decorative, or functional coating applied to an engine that is used to propel watercraft.~~ The limitations in this subsection (q)(1) shall not apply to stencil coats, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, magnetic data storage disk coatings, and plastic extruded onto metal parts to form a coating. The limitations in Section 218.219, however, shall apply to these coatings unless specifically excluded in Section 218.219.

	kg/l (lb/gal)	kg/l (lb/gal)

			coatings	solids
A)	General one component coating			
	i)	Air dried	0.34 (2.8)	0.54 (4.52)
	ii)	Baked	0.28 (2.3)	0.40 (3.35)
	~~iii)~~	~~Clear coating~~	~~0.52~~ ~~(4.3)~~	~~1.24~~ ~~(10.34)~~
B)	General multi-component coating			
	i)	Air dried	0.34 (2.8)	0.54 (4.52)
	ii)	Baked	0.28 (2.3)	0.40 (3.35)
C)	Camouflage coating		0.42 (3.5)	0.80 (6.67)
D)	Electric-insulating varnish		0.42 (3.5)	0.80 (6.67)
E)	Etching filler		0.42 (3.5)	0.80 (6.67)
F)	Extreme high-gloss coating			
	i)	Air dried	0.42 (3.5)	0.80 (6.67)
	ii)	Baked	0.36 (3.0)	0.61 (5.06)
G)	Extreme performance coating			

	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
H)	Heat-resistant coating	~~0.66*~~	~~(5.5)*~~
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
I)	High performance architectural coating	0.42~~74~~ (3.5~~6.2~~)	0.80~~4.56~~ (6.67~~38.0~~)
J)	High temperature coating	0.42 (3.5)	0.80 (6.67)
K)	Metallic coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
L)	Military specification coating		
	i) Air dried	0.34 (2.8)	0.54 (4.52)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
M)	Mold-seal coating	0.42 (3.5)	0.80 (6.67)

N)	Pan backing coating	0.42 (3.5)	0.80 (6.67)
O)	Prefabricated architectural coating: multi-component		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
P)	Prefabricated architectural coating: one-component		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
Q)	Pretreatment coating	0.42 (3.5)	0.80 (6.67)
R)	Repair coats and touch-up coatings		
	i) Air dried	0.42 (3.5)	
	ii) Baked	0.36 (3.01)	
S)	Silicone release coating	0.42 (3.5)	0.80 (6.67)
T)	Solar-absorbent coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)

	ii) Baked	0.36 (3.0)	0.61 (5.06)
U)	Vacuum-metalizing coating	0.42 (3.5)	0.80 (6.67)
V)	Drum coating, new, exterior	0.34 (2.8)	0.54 (4.52)
W)	Drum coating, new, interior	0.42 (3.5)	0.80 (6.67)
X)	Drum coating, reconditioned, exterior	0.42 (3.5)	0.80 (6.67)
Y)	Drum coating, reconditioned, interior	0.50 (4.2)	1.17 (9.78)
~~Z)~~	~~Steel pail and drum interior coating~~	~~0.52~~ ~~(4.3)~~	~~1.24~~ ~~(10.34)~~
~~AA)~~	~~Marine engine coating~~		
	~~i) Air dried~~	~~0.42~~ ~~(3.5)~~	~~0.80~~ ~~(6.67)~~
	~~ii) Baked: primer/topcoat~~	~~0.42~~ ~~(3.5)~~	~~0.80~~ ~~(6.67)~~
	~~iii) Baked: corrosion resistant basecoat~~	~~0.28~~ ~~(2.3)~~	~~0.40~~ ~~(3.35)~~
	~~iv) Clear coating~~	~~0.52~~ ~~(4.3)~~	~~1.24~~ ~~(10.34)~~
Z~~BB~~)	Ammunition Sealants		

i)	Air dried	0.42 (3.5)	0.80 (6.67)
ii)	Baked	0.36 (3.0)	0.61 (5.06)

AA~~CC~~) Electrical switchgear compartment coatings

i)	Air dried	0.42 (3.5)	0.80 (6.67)
ii)	Baked	0.36 (3.0)	0.61 (5.06)

BB~~DD~~) All other coatings

i)	Air dried	0.40 (3.3)	0.73 (5.98)
ii)	Baked	0.34 (2.8)	0.54 (4.52)

2) Plastic Parts and Products: Miscellaneous. For purposes of this subsection (q)(2), miscellaneous plastic parts and products are plastic parts and products that are not subject to subsection (q)(3), (q)(4), (q)(5), or (q)(6) of this Section. The limitations in subsection (q)(2) shall not apply to touch-up and repair coatings; stencil coats applied on clear or transparent substrates; clear or translucent coatings; coatings applied at a paint manufacturing facility while conducting performance tests on the coatings; any individual coating category used in volumes less than 189.2 liters (50 gallons) in any one calendar year, if the total usage of all such coatings does not exceed 756.9 liters (200 gallons) per calendar year per source and substitute compliant coatings are not available; reflective coatings applied to highway cones; mask coatings that are less than 0.5 mm thick (dried) if the area coated is less than 25 square inches; electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings; and heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices if the total usage of all such coatings does not exceed 378.4 liters (100 gallons) per calendar year per

source. The limitations in Section 218.219, however, shall apply to such coatings unless specifically excluded in Section 218.219.

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	General one component coating	0.28 (2.3)	0.40 (3.35)
B)	General multi-component	0.42 (3.5)	0.80 (6.67)
C)	Electric dissipating coatings and shock-free coatings	0.80 (6.7)	8.96 (74.7)
D)	Extreme performance (2-pack coatings)	0.42 (3.5)	0.80 (6.67)
E)	Metallic coating	0.42 (3.5)	0.80 (6.67)
F)	Military specification coating		
	i) 1-pack coatings	0.28 (2.3)	0.54 (4.52)
	ii) 2-pack coatings	0.42 (3.5)	0.80 (6.67)
G)	Mold-seal coating	0.76 (6.3)	5.24 (43.7)
H)	Multi-colored coating	0.68 (5.7)	3.04 (25.3)
I)	Optical coating	0.80 (6.7)	8.96 (74.7)

J)	Vacuum-metalizing coating	0.80 (6.7)	8.96 (74.7)

3) Plastic Parts and Products: Automotive/Transportation

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	High bake coatings − interior and exterior parts		
i)	Flexible primer	0.54 (4.5)	1.39 (11.58)
ii)	Non-flexible primer	0.42 (3.5)	0.80 (6.67)
iii)	Basecoats	0.52 (4.3)	1.24 (10.34)
iv)	Clear coat	0.48 (4.0)	1.05 (8.76)
v)	Non-basecoat/clear coat	0.52 (4.3)	1.24 (10.34)
B)	Low bake/air dried coatings − exterior parts		
i)	Primers	0.58 (4.8)	1.66 (13.80)
ii)	Basecoat	0.60 (5.0)	1.87 (15.59)
iii)	Clear coats	0.54 (4.5)	1.39 (11.58)

	iv) Non-basecoat/clear coat	0.60 (5.0)	1.87 (15.59)
C)	Low bake/air dried coatings − interior parts		
	i) Color coat	0.38 (3.2)	0.67 (5.66)
	ii) Primer	0.42 (3.5)	0.80 (6.67)
D)	Touchup and repair coatings	0.62 (5.2)	2.13 (17.72)
E)	Specialty		
	i) Vacuum metallizing basecoats~~, texture basecoats~~	0.66 (5.5)	2.62 (21.8)
	~~ii) Reflective argent coatings, air bag cover coatings, and soft coatings~~	~~0.71~~ ~~(5.9)~~	~~3.64~~ ~~(29.7)~~
	ii~~i~~) Vacuum~~Gloss reducers, vacuum~~ metallizing topcoats~~, and texture topcoats~~	0.77 (6.4)	6.06 (49.1)
	~~iv) Stencil coats, adhesion primers, ink pad coatings, electrostatic prep coats, and resist coats~~	~~0.82~~ ~~(6.8)~~	~~(11.67)~~ ~~(89.4)~~
	~~v) Head lamp lens coating~~	~~0.89~~ ~~(7.4)~~	

F) Red, yellow, and black coatings: Subject coating lines shall comply with a limit determined by multiplying the appropriate

limit in subsections (q)(3)(A) through (q)(3)(C~~E~~) of this Section by 1.15.

4) Plastic Parts and Products: Business Machine. The limitations of this subsection (q)(4) shall not apply to vacuum metallizing coatings, gloss reducers, texture topcoats, adhesion primers, electrostatic preparation coatings, stencil coats, and resist coats other than plating resist coats. The limitations in Section 218.219, however, shall apply to such coatings unless specifically excluded in Section 218.219.

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	Primers	0.35~~14~~ (2.9~~1.2~~)	0.57~~17~~ (4.80~~1.4~~)
B)	Topcoat	0.35 (2.9)	0.57 (4.80)
C)	Color coat (texture coat)	0.28 (2.3)	0.40 (4.80)
D)	Color coat (non-texture coat)	0.28 (2.3)	0.40 (4.80)
E)	Texture coats other than color texture coats	0.35 (2.9)	0.57 (4.80)
F)	EMI/RFI shielding coatings	0.48 (4.0)	1.05 (8.76)
G)	Fog coat	0.26 (2.2)	0.38 (3.14)
H)	Touchup and repair	0.35 (2.9)	0.57 (4.80)
~~I)~~	~~Specialty coatings~~		

~~i)~~	~~Soft coat~~	~~0.52 (4.3)~~	~~1.24 (10.34)~~
~~ii)~~	~~Plating resist~~	~~0.71 (5.9)~~	~~3.64 (29.7)~~
~~iii)~~	~~Plating sensitizer~~	~~0.85 (7.1)~~	~~(23.4) (201.0)~~

5) Pleasure Craft Surface Coatings

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	Extreme high gloss coating − topcoat	0.49 (4.1)	1.10 (9.2)
B)	High gloss coating − topcoat	0.42 (3.5)	0.80 (6.7)
C)	Pretreatment wash primer	0.78 (6.5)	6.67 (55.6)
D)	Finish primer/surfacer	0.42 (3.5)	0.80 (6.7)
E)	High build primer/surfacer	0.34 (2.8)	0.55 (4.6)
F)	Aluminum substrate antifoulant coating	0.56 (4.7)	1.53 (12.8)
G)	Other substrate antifoulant coating	0.33 (2.8)	0.53 (4.4)
H)	All other pleasure craft surface coatings for metal or plastic	0.42 (3.5)	0.80 (6.7)

6) Motor Vehicle Materials

		kg/l (lb/gal) coatings
A)	Cavity wax	0.65 (5.42)
B)	Sealer	0.65 (5.42)
C)	Deadener	0.65 (5.42)
D)	Gasket/gasket sealing material	0.20 (1.67)
E)	Underbody coating	0.65 (5.42)
F)	Trunk interior coating	0.65 (5.42)
G)	Bedliner	0.20 (1.67)
H)	Lubricating wax/compound	0.70 (5.84)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.207 Alternative Emission Limitations

a) Any owner or operator of a coating line subject to Section 218.204 of this Subpart, except coating lines subject to Section 218.204(q)(6), may comply with this Section, rather than with Section 218.204 of this Subpart, if a capture system and control device are operated at all times the coating line is in operation and the owner or operator demonstrates compliance with subsections (c), (d), (e), (f), (g),

(h), (i), (j), (k), (l), (m), or (n) of this Section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in Section 218.105 of this Part and the recordkeeping and reporting requirements specified in Section 218.211(e) of this Subpart; and the control device is equipped with the applicable monitoring equipment specified in Section 218.105(d) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. A capture system and control device, which does not demonstrate compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), or (n) of this Section may be used as an alternative to compliance with Section 218.204 of this Subpart only if the alternative is approved by the Agency and approved by the USEPA as a SIP revision. The owner or operator of a pleasure craft surface coating operation subject to Section 218.204(q)(5)(A) through (G) of this Subpart may also comply with subsection (o) of this Section, rather than with Section 218.204 of this Subpart.

b) Alternative Add-On Control Methodologies

1) The coating line is equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency; or

2) The system used to control VOM from the coating line is demonstrated to have an overall efficiency sufficient to limit VOM emissions to no more than what is allowed under Section 218.204 of this Subpart. Use of any control system other than an afterburner, carbon adsorption, condensation, or absorption scrubber system can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. The use of transfer efficiency credits can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. Baseline transfer efficiencies and transfer efficiency test methods must be approved by the Agency and the USEPA. Such overall efficiency is to be determined as follows:

A) Obtain the emission limitation from the appropriate subsection in Section 218.204 of this Subpart;

B) Unless complying with an emission limitation in Section 218.204 that is already expressed in terms of weight of VOM per volume of

solids, calculate "S" according to the equation in Section 218.206 of this Subpart. For coating lines subject to an emission limitation in Section 218.204 that is already expressed in terms of weight of VOM per volume of solids, "S" is equal to such emission limitation;

C) Calculate the overall efficiency required according to Section 218.105(e) of this Part. For the purposes of calculating this value, according to the equation in Section 218.105(e)(2) of this Part, VOM_l is equal to the value of "S" as determined in subsection (b)(2)(B) of this Section. If the coating line is subject to~~complying with~~ an emission limitation in Section 218.204 of this Subpart that is already expressed in terms of weight of VOM per volume of solids, VOM_1 is equal to that emission limitation.

c) No owner or operator of a coating line subject to only one of the emission limitations from among Section 218.204(a)(1)(A), (a)(1)(D), (a)(2)(A), (a)(2)(E), (a)(2)(F), (c)(1), (d), (e), (f), or (i) of this Subpart and equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. No owner or operator of a coating line subject to Section 218.204(a)(1)(B),r (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with such limitation in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(A) or (b)(1)(B), as applicable.

d) No owner or operator of a miscellaneous metal parts and products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(j) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

e) No owner or operator of a heavy off-highway vehicle products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(k) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/1 (3.5 lbs/gal)), and that

is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

f) No owner or operator of an existing diesel-electric locomotive coating line in Cook County that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(m) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/1 (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

g) No owner or operator of a wood furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(l) of this Subpart (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. If compliance is achieved by meeting the requirements in subsection (b)(2) of this Section, then the provisions in the note to Section 218.204(l) of this Subpart must also be met.

h) No owner or operator of a can coating line that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (h)(1) or (h)(2) of this Section are met.

1) An alternative daily emission limitation shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, according to Section 218.205(c)(2) of this Subpart. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation:

$$E_d = \sum_{i=1}^{n} V_i C_i \left(1 - F_i\right)$$

where:

E_d = Actual VOM emissions for the day in units of kg/day (lbs/day);

i = Subscript denoting the specific coating applied;

n = Total number of surface coatings as applied in the can coating operation;

V_i = Volume of each coating as applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);

C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and

F_i = Fraction, by weight, of VOM emissions from the surface coating, reduced or prevented from being emitted to the ambient air. This is the overall efficiency of the capture system and control device.

2) The coating line is equipped with a capture system and control device that provide 75 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency.

i) No owner or operator of a plastic parts coating line, that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(n) or (o) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

j) Prior to May 1, 2011, no owner or operator of a metal furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(g) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

k) Prior to May 1, 2011, no owner or operator of a large appliance coating line that

applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(h) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

l) On and after May 1, 2011, no owner or operator of a paper coating line, metal furniture coating line, or large appliance coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:

1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or

2) The owner or operator complies with the applicable limitation set forth in Section 218.204 of this Subpart by utilizing a combination of low-VOM coatings and a capture system and control device.

m) No owner or operator of a flat wood paneling coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:

1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or

2) The owner or operator of the flat wood paneling coating line complies with all requirements set forth in subsection (b)(2) of this Section.

n) On and after May 1, 2012, no owner or operator of a miscellaneous metal parts and products coating line, plastic parts and products coating line, or pleasure craft surface coating line that is equipped with a capture system and control device shall operate the subject coating line unless:

1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or

2) The owner or operator of the coating line complies with all requirements set forth in subsection (b)(2) of this Section.

o) Emissions Averaging Alternative for Pleasure Craft Surface Coating Operations. The owner or operator of a source with coating operations subject to the requirements of Section 218.204(q)(5)(A) through (G) may elect to include such operations in the emissions averaging alternative. Coating operations utilizing this alternative shall comply with a source-specific VOM emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. Subject coating operations that do not utilize the emissions averaging alternative, and coating operations subject to Section 218.204(q)(5)(H), shall comply with the requirements in Section 218.204(q)(5) or 218.205, or subsection (n) of this Section, as applicable, as well as with all other applicable requirements in this Subpart.

1) The total actual VOM emissions determined by Equation 2 shall be equal to or less than the total allowable VOM emissions determined by Equation 1. The owner or operator of a source subject to this subsection (o) shall use Equation 1 to determine the total allowable source-specific VOM mass emission limit for pleasure craft coatings included in the emissions average:

Equation 1:

$$VOM_{Allowable} = \sum_{i=A}^{G} LIM_i V_i$$

where:

$VOM_{Allowable}$ = Total allowable mass of VOM that can be emitted from the pleasure craft coating operations included in the average, expressed in kilograms per 12-month period.

LIM_i = The applicable VOM content limit for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.

V_i = Volume of specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i = Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).

2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (o) shall use Equation 2 to calculate the total actual VOM emissions from the pleasure craft coating operations included in the emissions average.

Equation 2:

$$VOM_{Actual} = \sum_{i=A}^{G} VOM_i V_i$$

where:

VOM_{Actual} = VOM emissions calculated using the VOM content for all coatings from Section 218.204(q)(5)(A) through (G) that are included in the average and the volume of those coatings used, expressed in kilograms.

VOM_i = Weighted average of actual VOM content for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.

V_i = Total volume of specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i = Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).

3) For purposes of Equation 2, the owner or operator of a source subject to this subsection (o) shall use Equation 3 to calculate the weighted average VOM content for each coating included in the emissions average for the previous 12 months.

Equation 3:

$$VOM_i = \frac{\sum_{j=i}^{n} VOM_j V_j}{\sum_{j=i}^{n} V_j}$$

where:

VOM_i = Weighted average of actual VOM content for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.

VOM_j = VOM content of each pleasure craft coating used over the previous~~prvious~~ 12 months within a specific pleasure craft coating category, i.

V_j = Volume of each pleasure craft coating used in the previous 12 months, excluding water and any compounds that are exempt, within a specific pleasure craft coating category, i.

i = Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).

j = Subscript denoting a specific pleasure craft coating within a specified coating category, i.

n = Number of coatings applied within a specific coating category, i.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.211 Recordkeeping and Reporting

a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 218.105 of this Part to establish the records required under this Section.

b) Any owner or operator of a coating line that is exempted from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) or (b) of this Subpart shall comply with the following:

1) For sources exempt under Section 218.208(a) of this Subpart, by a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 218.208(a) of this Subpart. Such certification shall include:

A) A declaration that the coating line or group of coating lines is exempt from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) of this Subpart; and

B) Calculations that demonstrate that the combined VOM emissions from the coating lines or group of coating lines never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

$$T_e = \sum_{j=1}^{m} \sum_{i=1}^{n} \left(A_i B_i \right)_j$$

where:

T_e = Total VOM emissions from coating lines each day before the application of capture systems and control devices in units of kg/day (lbs/day);

m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 218.104 of this Part (because they belong to the same category, e.g., can coating);

j = Subscript denoting an individual coating line;

n = Number of different coatings as applied each day on each coating line;

i = Subscript denoting an individual coating;

A_i = Weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of kg VOM/l (lbs VOM/gal); and

B_i = Volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of l/day (gal/day). The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency.

2) For sources exempt under Section 218.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 218.208(b) of this Subpart. Such certification shall include:

A) A declaration that the source is exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b) of this Subpart; and

B) Calculations that demonstrate that the source meets the criteria for exemption because of Section 218.208(b) of this Subpart.

3) For sources exempt under Section 218.208(a) of this Subpart, on and after

a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line; and

B) The weight of VOM per volume and the volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line.

4) For sources exempt under Section 218.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line; and

B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.

5) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 218.204(l) of this Subpart because of

Section 218.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 218.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.

c) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart other than Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and complying by means of Section 218.204 of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 218.205, Section 218.207, Section 218.215, or Section 218.216 of this Subpart to Section 218.204 of this Subpart; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.204 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:

A) The name and identification number of each coating as applied on each coating line;

B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line;

D) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line;

E) For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the application methods used to apply

coatings on the subject coating line and the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line;

F) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line;

G) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, and the solids turnover ratio of the EDP operation, with supporting calculations;

H) For coating lines subject to the limitations of Section 218.204(a)(2)(E), the weight of VOM per volume and volume of each coating used in the final repair coat operation, and the weight of VOM per volume of the final repair coat as applied ~~each day on each coating line~~, calculated on an occurrence weighted average basis;

I) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day, unless otherwise specified, for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line;

B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition

of VOM) as applied each day on each coating line;

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating;

D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitations of Section 218.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating;

E) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line, and certified product data sheets for each coating;

F) For coating lines subject to the limitations of Section 218.204(g)(2) or 218.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line, and certified product data sheets for each coating;

G) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line;

H) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, certified product data sheets for each coating, and the solid turnover ratio for the EDP operation, calculated on a calendar monthly basis, with supporting calculations;

I) For coating lines subject to the limitations of Section 218.204(a)(2)(E), the weight of VOM per volume and volume of each coating used in the final repair coat operation, the weight of VOM per volume of the final repair coat as applied, calculated on an occurrence weighted average basis~~as applied each day on each coating line, calculated on an occurrence weighted average basis~~, and certified product data sheets for each coating;

J) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line, and certified product data sheets for each coating.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1), (e)(1), or (i)(1) of this Section, as applicable. Upon changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 of this Subpart or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d), (e), or (i) of this Section, as applicable.

d) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of Section 218.205 of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 218.204 or Section 218.207

of this Subpart to Section 218.205 of this Subpart; the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.205 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:

A) The name and identification number of each coating line which will comply by means of Section 218.205 of this Subpart.

B) The name and identification number of each coating as applied on each coating line.

C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

D) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

E) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.

F) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

G) For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.

H) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating

line.

I) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

J) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

K) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

L) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line.

B) The weight of VOM per volume and the volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line.

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

D) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.

E) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

F) For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.

G) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line.

H) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

I) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 218.104 of this Part.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.205 of this Subpart to Section 218.204 or Section 218.207 of this Subpart, the owner

or operator shall comply with all requirements of subsection (c)(1), (e)(1), or (i)(1) of this Section, as applicable. Upon changing the method of compliance with this Subpart from Section 218.205 to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c), (e), or (i) of this Section, as applicable.

e) Any owner or operator of a coating line subject to the limitations of Section 218.207 of this Subpart and complying by means of Section 218.207(c), (d), (e), (f), (g), (h), (l), (m), or (n) of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 218.204 or Section 218.205 of this Subpart to Section 218.207 of this Subpart, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 218.207 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 218.207(b)(2) of this Subpart.

B) Control device monitoring data.

C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.

D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any

outages.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207 of this Subpart to Section 218.204 or Section 218.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart from Section 218.207 of this Subpart to Section 218.204 or Section 218.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.

f) Any owner or operator of a primer surfacer operation or topcoat operation, or combined primer surfacer and topcoat operation, subject to the limitations of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 218.204 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:

A) The name and identification number of each coating operation that will comply by means of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and the name and identification number of each coating line in each coating operation.

B) The name and identification number of each coating as applied on

each coating line in the coating operation.

C) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

D) The transfer efficiency and control efficiency measured for each coating line.

E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.

F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) of this Section.

H) An example format for presenting the records required in subsection (f)(2) of this Section.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each operation and maintain the information at the source for a period of three years:

A) All information necessary to demonstrate compliance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and to calculate the daily-weighted average VOM emissions from the coating operations in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart including:

i) The name and identification number of each coating as

applied on each coating operation.

ii) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.

B) If a control device or devices are used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 218.106 of this Part or on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart within 10 days from the end of the month and maintain this information at the source for a period of three years.

4) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:

A) Any record showing a violation of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.

B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days after the

approval of the proposal by the Agency and USEPA.

g) On and after a date consistent with Section 218.106(e) of this Part, or on and after the initial startup date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 218.218 of this Subpart shall comply with the following:

1) By May 1, 2011, or upon initial startup, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.218 of this Subpart;

2) Notify the Agency of any violation of Section 218.218 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and

3) Maintain at the source all records required by this subsection (g) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.

h) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 218.219 of this Subpart shall comply with the following:

1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes:

A) A description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.219 of this Subpart;

B) For sources subject to Section 218.219(a)(6), the work practices plan specified in that Section;

C) For sources subject to Section 218.219(b)(6), the application methods used to apply coatings on the subject coating line;

2) Notify the Agency of any violation of Section 218.219 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and

3) Maintain at the source all records required by this subsection (h) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.

i) On and after a date consistent with Section 218.106(f) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a flat wood paneling coating line subject to the requirements in Section 218.217 of this Subpart shall comply with the following:

1) By August 1, 2010, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.217(c) and (d) of this Subpart; and

2) Notify the Agency of any violation of Section 218.217 of this Subpart by providing a description of the violation and copies of records documenting such violation to the Agency within 30 days following the occurrence of the violation.

j) Each owner or operator of a pleasure craft surface coating operation subject to the limitations in Section 218.204(q)(5)(A) through (G) of this Subpart and complying by means of Section 218.207(o) of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new pleasure craft surface coating operation, whichever is later, or upon changing the method of compliance for an existing subject coating operation from Section 218.204, 218.205, or 218.207(n) of this Subpart to Section 218.207(o) of this Subpart, the owner or operator of a subject coating operation shall perform all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 218.207(o) on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a subject pleasure craft coating operation shall:

A) Collect and record the following information each month:

i) The amount of each pleasure craft surface coating used in each subject coating operation;

ii) The VOM content and coating category of each pleasure craft surface coating used in each subject coating operation;

iii) Total monthly VOM emissions for all subject pleasure craft surface coating operations;

B) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:

i) The VOM mass emission limit for all subject pleasure craft surface coating operations for the applicable 12-month averaging period, with supporting calculations;

ii) The total actual emissions of VOM from all subject pleasure craft surface coating operations for the applicable 12-month averaging period;

C) Notify the Agency in writing of any violation of the requirements of Section 218.207(o) within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;

D) Notify the Agency in writing at least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207(o) to Section 218.204, 218.205, or 218.207(n). Upon changing the method of compliance, the owner or operator shall comply with all requirements set forth in subsection (c), (d), or (e) of this Section, as applicable;

E) Maintain at the source all records required by this subsection (j) for a minimum of three years from the date the document was created, and provide such records to the Agency upon request.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards

a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 218.204(l) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOM for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.

b) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 218.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture under the circumstances specified in subsections (b)(1) through (4) of this Section:

1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;

2) For repair coating under the following circumstances:

A) The coating materials are applied after the completion of the coating operation; or

B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;

3) If the spray gun is aimed and triggered automatically, rather than manually; or

4) If emissions from the finishing application station are directed to a control device pursuant to Section 218.216 of this Subpart

c) Cleaning and storage requirements. Each owner or operator of a source subject to the limitations of Section 218.204(l) or (p) of this Subpart shall:

1) Keep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;

2) Pump or drain all organic solvent used for line cleaning into closed containers;

3) Collect all organic solvent used to clean spray guns in closed containers; and

4) Control emissions from washoff operations by using closed tanks.

d) Additional cleaning and storage requirements for flat wood paneling coating lines. Every owner or operator of a source subject to the limitations of Section 218.204(p) of this Subpart shall:

1) Minimize spills of VOM-containing coatings, thinners, and cleaning materials and clean up spills immediately;

2) Minimize emissions of VOM during the cleaning of storage, mixing, and conveying equipment; ~~and~~

3) Keep mixing vessels that contain VOM-containing coatings and other VOM-containing materials closed except when specifically in use; ~~.~~

4) On and after January 1, 2012, convey VOM-containing coatings, thinners, and cleaning materials in closed containers or pipes.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: PRINTING AND PUBLISHING

Section 218.401 Flexographic and Rotogravure Printing

a) No owner or operator of a subject flexographic or rotogravure printing line shall apply at any time any coating or ink unless the VOM content does not exceed the limitation specified in either subsection (a)(1) or (a)(2), as applicable. Compliance with this Section must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(c) of this Part. As an alternative to compliance with this subsection, a subject printing line may meet the requirements of subsection (b) or (c).

1) Prior to August 1, 2010, either:

A Forty percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM); or

B) Twenty-five percent VOM by volume of the volatile content in the coating and ink; and

2) On and after August 1, 2010:

A) For owners operators of flexographic or rotogravure printing lines that do not print flexible packaging, either:

i) Forty percent VOM by volume of the coating and ink (minus water and any compounds that are specifically exempted from the definition of VOM); or

ii) Twenty-five percent VOM by volume of the volatile content in the coating and ink;

B) For owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, either:

i) 0.8 kg VOM/kg (0.8 lbs VOM/lb) solids applied; or

ii) 0.16 kg VOM/kg (0.16 lbs VOM/lb) inks and coatings applied.

b) Weighted Averaging Alternative

1) Prior to August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line shall apply coatings or inks on the subject printing line unless the weighted average, by volume, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(1)(A) (as determined by subsection (b)(1)(A)) or subsection (a)(1)(B)) (as determined by subsection (b)(1)(B). Compliance with this subsection must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Part.

A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(A) of this Section.

$$VOM_{(i)(A)} = \frac{\sum_{i=1}^{n} C_i L_i \left(V_{si} + V_{VOMi}\right)}{\sum_{i-1}^{n} L_i \left(V_{si} + V_{VOMi}\right)}$$

where:

$VOM_{(i)(A)}$ = The weighted average VOM content in units of percent VOM by volume of all coatings and inks (minus water and any compounds that are specifically exempted from the definition of VOM) used each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on a printing line;

C_i = The VOM content in units of percent VOM by volume of each coating or ink as applied (minus water and any compounds that are specifically exempted from the definition of VOM);

L_i = The liquid volume of each coating or ink as applied in units of l (gal);

V_{si} = The volume fraction of solids in each coating or ink as applied; and

V_{VOMi} = The volume fraction of VOM in each coating or ink as applied.

B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(B) of this Section.

$$VOM_{(i)(B)} = \frac{\sum_{i=1}^{n} C_i L_i V_{VMi}}{\sum_{i-1}^{n} L_i V_{VMi}}$$

where:

$VOM_{(i)(B)}$ = The weighted average VOM content in units of percent VOM by volume of the volatile content of all coatings and inks used each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on each printing line;

C_i = The VOM content in units of percent VOM by volume of the volatile matter in each coating or ink as applied;

L_i = The liquid volume of each coating or ink as applied in units of l (gal) and

V_{VMi} = The volume fraction of volatile matter in each coating or ink as applied.

2) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that does not print flexible packaging shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(A)(i) (calculated in accordance with the equation in subsection (b)(1)(A)) or (a)(2)(A)(ii) (calculated in accordance with the equation in subsection (b)(1)(B)) of this Section. Compliance with this subsection (b)(2) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Subpart.

3) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(B)(i) (calculated in accordance with the equation in subsection (b)(3)(A)) or subsection (a)(2)(B)(ii) (calculated in accordance with the equation in subsection (b)(3)(B)) of this Section. Compliance with this subsection (b)(3) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Subpart.

A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(i) of this Section.

$$VOM_{(A)} = \frac{\sum_{i-1}^{n} C_i W_i}{\sum_{i=1}^{n} W_i}$$

where:

$VOM_{(A)}$	=	The weighted average VOM content in units of kg VOM per kg (lbs VOM per lb) solids of all coatings and inks used each day;
i	=	Subscript denoting a specific coating or ink as applied;
n	=	The number of different coatings and/or inks as applied each day on a printing line;
C_i	=	The VOM content in units of kg VOM per kg (lbs VOM per lb) solids of each coating or ink as applied;
W_i	=	Weight of solids in each coating or ink, as applied, in units of kg~~/l~~ (lb~~/gal~~).

B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(ii) of this Section.

$$VOM_{(B)} = \frac{\sum_{i-1}^{n} C_i L_i}{\sum_{i=1}^{n} L_i}$$

where:

$VOM_{(B)}$	=	The weighted average VOM content in units of kg (lbs) VOM per weight in kg (lbs) of all coatings or inks as applied each day;

i	=	Subscript denoting a specific coating or ink as applied;
n	=	The number of different coatings and/or inks as applied each day on each printing line;
C_i	=	The VOM content in units of kg (lbs) VOM per weight in kg (lbs) of each coating or ink as applied;
L_i	=	The weight of each coating or ink, as applied, in units of kg~~/l~~ (lb~~/gal~~).

c) Capture System and Control Device Requirements

1) Prior to August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(D), (c)(5), and (c)(6).

A One of:

i) A carbon adsorption system is used that reduces the captured VOM emissions by at least 90 percent by weight; or

ii) An incineration system is used that reduces the captured VOM emissions by at least 90 percent by weight; or

iii) An alternative VOM emission reduction system is used that is demonstrated to have at least a 90 percent control device efficiency, approved by the Agency and approved by USEPA as a SIP revision; and

B) The printing line is equipped with a capture system and control device that provides an overall reduction in VOM emissions of at least:

i) 75 percent where a publication rotogravure printing line is

employed; or

ii) 65 percent where a packaging rotogravure printing line is employed; or

iii) 60 percent where a flexographic printing line is employed;

2) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that does not print flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(B), (c)(5), and (c)(6) of this Section;

3) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsections (c)(5) and (c)(6) of this Section and the capture system and control device provides an overall reduction in VOM emissions of at least:

A) 65 percent in cases in which a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or

B) 70 percent when a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010; or

C) 75 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or

D) 80 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control

device that was first constructed at the subject source on or after January 1, 2010;

4) On and after August 1, 2010, the owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and non-flexible packaging on the same line and that is equipped with a control device shall be subject to the requirements of either subsection (c)(1)(B) or (c)(3) of this Section, whichever is more stringent, as well as subsections (c)(5) and (c)(6) of this Section;

5) The control device is equipped with the applicable monitoring equipment specified in Section 218.105(d)(2) of this Part and except as provided in Section 218.105(d)(3) of this Part, the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use; and

6) The capture system and control device are operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with this subsection by using the applicable capture system and control device test methods and procedures specified in Section 218.105(c) through Section 218.105(f) of this Part and by complying with the recordkeeping and reporting requirements specified in Section 218.404(e) of this Part. The owner or operator of a printing line subject to the requirements in subsection (c)(1)(B) or (c)(2) of this Section that performed all testing necessary to demonstrate compliance with subsection (c)(1)(B) prior to August 1, 2010 is not required to retest pursuant to this subsection (c)(6). The owner or operator of a printing line subject to the requirements in subsection (c)(3) shall perform testing in compliance with this subsection (c)(6), even if the owner or operator already performed such testing prior to August 1, 2010, unless the following conditions are met. Nothing in this subsection (c)(6), however, shall limit the Agency's ability to require that the owner or operator perform testing pursuant to 35 Ill. Adm. Code 201.282:

A) On or after May 1, 2000, the owner or operator of the subject printing line performed all testing necessary to demonstrate compliance with subsection (c)(1)(B);

B) Such testing also demonstrated an overall control efficiency equal to or greater than the applicable control efficiency requirements in subsection (c)(3);

C) The owner or operator submitted the results of such tests to the Agency, and the tests were not rejected by the Agency;

D) The same capture system and control device subject to the tests referenced in subsection (c)(6)(A) of this Section is still being used by the subject printing line; and

E) The owner or operator complies with all recordkeeping and reporting requirements in Section 218.404(e)(1)(B).

d) No owner or operator of subject flexographic or rotogravure printing lines that print flexible packaging or print flexible packaging and non-flexible packaging on the same line shall cause or allow VOM containing cleaning materials, including used cleaning towels, associated with the subject flexographic or rotogravure printing lines to be kept, stored, or disposed of in any manner other than in closed containers, or conveyed from one location to another in any manner other than in closed containers or pipes, except when specifically in use.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.402 Applicability

a) Except as otherwise provided in Section 218.401, the limitations of Section 218.401 of this Subpart apply to all flexographic and rotogravure printing lines at a subject source. Sources with flexographic and/or rotogravure printing lines are subject sources if:

1) Total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source ever exceed 90.7 Mg (100 tons) per calendar year and the flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control

equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision; or

2) The flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source have a combined potential to emit 22.7 Mg (25 tons) or more of VOM per year.

b) The limitations of Section 218.401(d) shall apply to all owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, at a source where the combined emissions of VOM from all flexographic and rotogravure printing lines total 6.8 kg/day (15 lbs/day) or more (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines), in the absence of air pollution control equipment.

c) Upon achieving compliance with this Subpart, the flexographic and rotogravure printing lines are not required to meet Subpart G (Section 218.301 or 218.302 of this Part). Flexographic and rotogravure printing lines exempt from this Subpart are subject to Subpart G (Section 218.301 or 218.302 of this Part). Rotogravure or flexographic equipment used for both roll printing and paper coating is subject to this Subpart.

d) Once subject to the limitations of Section 218.401, a flexographic or rotogravure printing line is always subject to the limitations of Section 218.401 of this Part.

e) Any owner or operator of any flexographic or rotogravure printing line that is exempt from any of the limitations of Section 218.401 of this Part because of the criteria in this Section is subject to the recordkeeping and reporting requirements specified in Section 218.404(b) and (f) of this Part, as applicable.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.404 Recordkeeping and Reporting

a) The VOM content of each coating and ink and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 218.105 of this Part to establish the records required under this Section.

b) Any owner or operator of a printing line which is exempted from any of the limitations of Section 218.401 of this Part because of the criteria in Section 218.402(a) of this Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, by January 1, 2012,~~August 1, 2010,~~ the owner or operator of a flexographic or rotogravure printing line to which this subsection (b) is applicable shall certify to the Agency that the flexographic and rotogravure printing line is exempt under the provisions of Section 218.402(a) of this Part. Such certification shall include:

A) A declaration that the flexographic and rotogravure printing line is exempt from the limitations of the criteria in Section 218.401 of this Part because of Section 218.402(a) of this Part; and

B) Calculations that~~which~~ demonstrate that the combined potential to emit of all flexographic and rotogravure printing lines at the source never equals or exceeds 22.7 Mg (25 tons) of VOM per year, and that total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. Total maximum theoretical emissions of VOM for a flexographic or rotogravure printing source is the sum of maximum theoretical emissions of VOM from each flexographic and rotogravure printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year before the application of capture systems and control devices for each flexographic and rotogravure printing line at the source:

$$E_p = A \times B + 1095\,(C \times D \times F)$$

where:

E_p = Total maximum theoretical emissions of VOM from one flexographic or rotogravure printing line in units of kg/year (lbs/year);

A = Weight of VOM per volume of solids of the coating or ink with the highest VOM content as applied each year on the printing line in units of kg VOM/l (lbs VOM/gal) of coating or ink solids;

B = Total volume of solids for all coatings and inks that can potentially be applied each year on the printing line in units of l/year (gal/year). The method by which the owner or operator accurately calculated the volume of each coating and ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;

C = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lbs VOM/gal);

D = The greatest volume of cleanup material or solvent used in any 8-hour period;

F = The highest fraction of cleanup material or solvent which is not recycled or recovered for offsite disposal during any 8-hour period.

2) On and after a date consistent with Section 218.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, on and after January 1, 2012, the owner or operator of a flexographic and rotogravure printing line referenced in this subsection shall collect and record all of the following information each year for each printing line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content and the volume of each coating and ink as

applied each year on each printing line.

3) On and after a date consistent with Section 218.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, on and after January 1, 2012, the owner or operator of a flexographic and rotogravure printing line exempted from the limitations of Section 218.401 of this Part because of the criteria in Section 218.402(a) of this Part shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all printing lines exceed 90.7 Mg (100 tons) in any calendar year before the application of capture systems and control devices, or that the combined potential to emit of all flexographic and rotogravure printing lines at the source equals or exceeds 22.7 Mg (25 tons) of VOM in any calendar year, by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

c) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(a) of this Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance from an existing subject printing line from Section 218.401(b) or Section 218.401(c) of this Part to Section 218.401(a) of this Part, the owner or operator of a subject printing line shall certify to the Agency that the printing line will be in compliance with Section 218.401(a) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 218.401(a)(2)(B) shall certify in accordance with this subsection (c)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content of each coating and ink as applied each day on each printing line.

2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(a) of this Part shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content of each coating and ink as applied each day on each printing line.

3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.401(a) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(a) of this Part to Section 218.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(a) of this Part to Section 218.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

d) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(b) shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or

upon changing the method of compliance for an existing subject printing line from Section 218.401(a) or (c) of this Part to Section 218.401(b) of this Part, the owner or operator of the subject printing line shall certify to the Agency that the printing line will be in compliance with Section 218.401(b) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 218.401(b)(3) shall certify in accordance with this subsection (d)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:

A) The name and identification number of each printing line which will comply by means of Section 218.401(b) of this Part.

B) The name and identification number of each coating and ink available for use on each printing line.

C) The VOM content of each coating and ink as applied each day on each printing line.

D) The method by which the owner or operator will accurately calculate the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line, and on and after January 1, 2012, the weight of each coating or ink.

E) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

F) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(b) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content and the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line, and on and after January 1, 2012, the weight of each coating or ink.

C) The daily-weighted average VOM content of all coatings and inks as applied on each printing line.

3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.401(b) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(b) of this Part to Section 218.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(b) of this Part to Section 218.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

e) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(c) of this Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from Section 218.401(a) or (b) of this Part to Section 218.401(c) of this Part, the owner or operator of the subject printing line shall either:

A) Perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with Section 218.401(c) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date; or

B) If not required to perform such testing pursuant to Section 218.401(c)(6), submit a certification to the Agency that includes:

i) A declaration that the owner or operator is not required to perform testing pursuant to Section 218.401(c)(6);

ii) The dates that testing demonstrating compliance with Section 218.401(c)(3) was performed; and

iii) The dates that the results of such testing were submitted to the Agency.

2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(c) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the facility for a period of three years:

A) Control device monitoring data.

B) A log of operating time for the capture system, control device, monitoring equipment and the associated printing line.

C) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line

shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.401(c) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(c) of this Part to Section 218.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(c) of this Part to Section 218.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.

4) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, the owner or operator of a printing line subject to the requirements in Section 218.401(c)(3) or (c)(4) shall submit to the Agency records documenting the date the printing line was constructed at the subject source and the date the control device for such printing line was constructed at the subject source.

f) Any owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, and that is exempt from the limitations of Section 218.401(d) because of the criteria in Section 218.402(b) shall:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon modification of a printing line, submit a certification to the Agency that includes:

A) A declaration that the source is exempt from the requirements in Section 218.401(d) because of the criteria in Section 218.402(b);

B) Calculations that demonstrate that combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with such

printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment; ~~and~~

2) On and after January 1, 2012, collect and record the following information each day for each subject printing line:

A) The name and identification number of each coating, ink, and cleaning solvent as applied each day on each printing line;

B) The VOM content of each coating and ink (measured in weight of VOM per volume of coating or ink, or in weight of VOM per weight of coating or ink) as applied each day on each printing line, and the volume or weight of each coating or ink, as applicable;

C) The weight of VOM per volume of each cleaning solvent and the volume of each cleaning solvent used each day on each printing line;

D) The total daily emissions of VOM from each printing line (including solvents used for cleanup operations associated with the printing line) and the sum of daily emissions from all subject printing lines at the source; and

3~~2~~) Notify the Agency in writing if the combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with the flexographic and rotogravure lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs

g) Any owner or operator of a printing line subject to the limitations of Section 218.401(d) shall:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, submit a certification to the Agency describing the practices and procedures that the owner or operator will follow to ensure compliance with the limitations of Section 218.401(d); and

2) Notify the Agency of any violation of Section 218.401(d) by sending a description of the violation and copies of records documenting such violations to the Agency within 30 days following the occurrence of the violation.

h) All records required by subsections (f) and (g) of this Section shall be retained for at least three years and shall be made available to the Agency upon request.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.409 Testing for Lithographic Printing

a) Testing to demonstrate compliance with the requirements of Section 218.407 of this Subpart shall be conducted by January 1, 2012, unless such testing has been conducted within the two years immediately preceding January 1, 2012. Thereafter, testing shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

b) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part;

3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. For

thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

C) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

4) Notwithstanding the criteria or requirements in Method 25 that specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);

5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and

6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 218.407(a)(1)(B) of this Subpart.

c) Testing to demonstrate compliance with the VOM content limitations in Section

218.407(a)(1)(A), (a)(2), (a)(3) and (a)(4)(A) of this Subpart, and to determine the VOM content of fountain solutions, fountain solution additives, cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 218.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Subpart, as applicable, shall be conducted upon request of the Agency or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 218.112 of this Part, shall be used to demonstrate compliance; or

2) The manufacturer's specifications for VOM content for fountain solution additives, cleaning solvents, and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

d) Testing to demonstrate compliance with the requirements of Section 218.407(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 218.407(b) of this Subpart.

e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 218.110 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.411 Recordkeeping and Reporting for Lithographic Printing

a) Exempt Units prior to August 1, 2010. An owner or operator of lithographic printing lines exempt from the limitations of Section 218.407 of this Subpart prior to August 1, 2010, because of the criteria in Section 218.405(b) of this Subpart, shall comply with the following:

1) Upon initial start-up of a new lithographic printing line, and upon modification of a lithographic printing line, submit a certification to the

Agency that includes:

A) A declaration that the source is exempt from the control requirements in Section 218.407 of this Part because of the criteria in Section 218.405(b) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the tests methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from fountain solutions and cleaning solvents used on lithographic printing lines at the source, no retention factor is used;

C) Either a declaration that the source, through federally enforceable permit conditions, has limited its maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset printing lines) at the source to no more than 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices or calculations which demonstrate that the source's total maximum theoretical emissions of VOM do not exceed 90.7 Mg/yr (100 tons/yr). Total maximum theoretical emissions of VOM for a heatset web offset lithographic printing source is the sum of maximum theoretical emissions of VOM from each heatset web offset lithographic printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year in the absence of air pollution control equipment for each heatset web offset lithographic printing line at the source:

$$E_p = (R \times A \times B) + (C \times D) + 1095 \ (F \times G \times H)$$

where:

E_p = Total maximum theoretical emissions of VOM from one heatset web offset printing line in units of kg/yr (lb/yr);

A = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal) of solids;

B = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of 1/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;

C = Weight of VOM per volume of fountain solution with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal);

D = The total volume of fountain solution that can potentially be used each year on the printing line in units of 1/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Agency;

F = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lb/gal) of such material;

G = The greatest volume of cleanup material or solvent used in any 8-hour period;

H = The highest fraction of cleanup material or solvent that is not recycled or recovered for offsite disposal during any 8-hour period;

R = The multiplier representing the amount of VOM not retained in the substrate being used. For paper, R = 0.8. For metal, plastic, or other impervious substrates, R = 1.0;

D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;

2) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines)

at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.

b) Exempt Units on and after August 1, 2010

1) Lithographic Printing Lines Exempt pursuant to Section 218.405(c)(2). By August 1, 2010, or upon initial start-up of a new lithographic printing line, whichever is later, and upon modification of a lithographic printing line, an owner or operator of lithographic printing lines exempt from the limitations in Section 218.407 of this Subpart because of the criteria in Section 218.405(c)(2) of this Subpart shall submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A), (b)(1)(B), and (b)(1)(D) of this Section or subsections (b)(1)(A) and (b)(1)(C) of this Section, as applicable. An owner or operator complying with subsection (b)(1)(B) shall also comply with the requirements in subsection (b)(1)(E) of this Section. An owner or operator complying with subsection (b)(1)(C) shall also comply with the requirements in subsection (b)(1)(F) of this Section:

A) A declaration that the source is exempt from the requirements in Section 218.407 of this Subpart because of the criteria in Section 218.405(c)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source do not equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from cleaning solutions used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;

C) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(C)(i) or (ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days after the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily

emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection (b)(1)(C) as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web offset and either nonheatset web offset or sheetfed lithographic printing operations, or has all three types of printing operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).

i) The sum of all sheetfed and nonheatset web offset lithographic printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent and fountain solution additives, combined; or

ii) The sum of all heatset web offset lithographic printing operations at the source: 204.1 kg (450 lbs) of ink, cleaning solvent, and fountain solution additives, combined;

D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;

E) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. If such emissions of VOM at the source equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), the source shall comply with the requirements in subsection (b)(2) of this Section;

F) For sources complying with subsection (b)(1)(C) of this Section, comply with the following:

i) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(C)(i) and (b)(1)(C)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM, and provide such records to the Agency upon request. On and after January 1, 2012, such records shall include the name, identification number, and VOM content of each cleaning solvent and fountain solution additive used per calendar month, the volume of each cleaning solvent and fountain solution additive used per calendar month for each sheetfed and nonheatset web offset lithographic printing operation, and the weight of each cleaning solvent, ink, and fountain solution additive used per calendar month for each heatset web offset lithographic printing operation;

ii) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(C) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs;

2) Heatset web offset lithographic printing lines exempt pursuant to Section 218.405(c)(1) but not exempt pursuant to Section 218.405(c)(2). By August 1, 2010, or upon initial start-up of a new heatset web offset lithographic printing line, whichever is later, and upon modification of a heatset web offset lithographic printing line, an owner or operator of heatset web offset lithographic printing lines that are exempt from the limitations in Section 218.407 of this Subpart pursuant to the criteria in Section 218.405(c)(1) of this Subpart, but that are not exempt pursuant to the criteria in Section 218.405(c)(2) of this Subpart, shall submit a certification to the Agency that includes the information specified in subsections (b)(2)(A) through (b)(2)(C) of this Section. Such owner or operator shall also comply with the requirements in subsection (b)(2)(D) of this Section:

A) A declaration that the source is exempt from the control requirements in Section 218.407 of this Subpart because of the

criteria in Section 218.405(c)(1) of this Subpart, but is not exempt pursuant to the criteria in Section 218.405(c)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows (the following methodology shall also be used to calculate whether a source exceeds 45.5 kg/day (100 lbs/day) for purposes of determining eligibility for the exclusions set forth in Section 218.415(c)(3), in accordance with Sections 218.411(g)(2)(A)(i):

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used.

The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;

iv) To determine VOM emissions from cleaning solvents used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from cleaning solution in shop towels if the VOM composite vapor pressure of such cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;

C) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;

D) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs.

c) Unless complying with subsections (b)(1)(C) and (b)(1)(F) of this Section, an owner or operator of lithographic printing lines subject to the requirements of subsection (a) or (b) of this Section shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all lithographic printing lines at the source:

1) Standard recordkeeping, including the following:

A) The name and identification of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

B) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

C) The VOM content and the volume of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month;

E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable;

2) Purchase and inventory recordkeeping, including the following:

A) The name, identification, and VOM content of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

B) Inventory records from the beginning and end of each month indicating the total volume of each fountain solution additive, lithographic ink, and cleaning solvent to be used on any lithographic printing line at the source;

C) Monthly purchase records for each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line at the source;

D) A daily record which shows whether a lithographic printing line at

the source was in operation on that day;

E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section;

F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable.

d) An owner or operator of a heatset web offset lithographic printing line subject to the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart shall comply with the following:

1) By August 1, 2010, upon initial start-up of a new printing line, and upon initial start-up of a new control device for a heatset web offset printing line, submit a certification to the Agency that includes the following:

A) An identification of each heatset web offset lithographic printing line at the source;

B) A declaration that each heatset web offset lithographic printing line is in compliance with the requirements of Section 218.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) or (b) of this Subpart, as appropriate;

C) The type of afterburner or other approved control device used to comply with the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart and the date that such device was first constructed at the source;

D) The control requirements in Section 218.407(a)(1)(C) or (b)(1) of this Subpart with which the lithographic printing line is complying;

E) The results of all tests and calculations necessary to demonstrate

compliance with the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and

F) A declaration that the monitoring equipment required under Section 218.407(a)(1)(D) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;

2) If testing of the afterburner or other approved control device is conducted pursuant to Section 218.409(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the lithographic printing lines are in compliance with Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as applicable, have been properly performed;

B) A statement whether the lithographic printing lines are or are not in compliance with Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and

C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 218.410(c) or (d) of this Subpart, as applicable;

3) Except as provided in subsection (d)(3)(D)(ii) of this Section, collect and record daily the following information for each heatset web offset lithographic printing line subject to the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart:

A) Afterburner or other approved control device monitoring data in accordance with Section 218.410(c) or (d) of this Subpart, as applicable;

B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and

D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 218.407(a)(1)(B) of this Subpart as follows:

i) Prior to August 1, 2010, at least once per 24-hour period while the line is operating; and

ii) On and after August 1, 2010, at least once per calendar month while the line is operating

4) Notify the Agency in writing of any violation of Section 218.407(a)(1)(C) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

5) If changing its method of compliance between subsections (a)(1)(C) and (b) of Section 218.407 of this Subpart, certify compliance for the new method of compliance in accordance with subsection (d)(1) of this Section at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 218.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) of this Subpart, or Section 218.407(b) of this Subpart, as applicable.

e) An owner or operator of a lithographic printing line subject to Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart shall:

1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that fountain solutions used on each lithographic printing line will be in compliance with the applicable VOM content limitation. Such certification shall include:

A) Identification of each lithographic printing line at the source, by type, e.g., heatset web offset, non-heatset web offset, or sheet-fed offset;

B) Identification of each centralized fountain solution reservoir and each lithographic printing line that it serves;

C) A statement that the fountain solution will comply with the VOM content limitations in Section 218.407(a)(1)(A), (a)(2), or (a)(3), as applicable;

D) Initial documentation that each type of fountain solution will comply with the applicable VOM content limitations, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitation, e.g., a refractometer, hydrometer, conductivity meter, or recordkeeping procedures with detailed description of the compliance methodology; and

F) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section.

2) Collect and record the following information for each fountain solution:

A) The name and identification of each batch of fountain solution prepared for use on one or more lithographic printing lines, the lithographic printing lines or centralized reservoir using such batch of fountain solution, and the applicable VOM content limitation for the batch;

B) If an owner or operator uses a hydrometer, refractometer, or conductivity meter, pursuant to Section 218.410(b)(1)(B), to demonstrate compliance with the applicable VOM content limit in Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart:

i) The date and time of preparation, and each subsequent

modification, of the batch;

ii) The results of each measurement taken in accordance with Section 218.410(b) of this Subpart;

iii) Documentation of the periodic calibration of the meter in accordance with the manufacturer's specifications, including date and time of calibration, personnel conducting, identity of standard solution, and resultant reading; and

iv) Documentation of the periodic temperature adjustment of the meter, including date and time of adjustment, personnel conducting and results;

C) If the VOM content of the fountain solution is determined pursuant to Section 218.410(b)(1)(A) of this Subpart, for each batch of as-applied fountain solution:

i) Date and time of preparation and each subsequent modification of the batch;

ii) Volume or weight, as applicable, and VOM content of each component used in, or subsequently added to, the fountain solution batch;

iii) Calculated VOM content of the as-applied fountain solution; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 218.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;

D) If the VOM content of the fountain solution is determined pursuant to Section 218.410(b)(2) of this Subpart, for each setting:

i) VOM content limit corresponding to each setting;

ii) Date and time of initial setting and each subsequent setting;

iii) Documentation of the periodic calibration of the automatic feed equipment in accordance with the manufacturer's specifications; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 218.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;

E) If the owner or operator relies on the temperature of the fountain solution to comply with the requirements in Section 218.407(a)(1)(A)(ii) or (a)(3)(B) of this Subpart:

i) The temperature of the fountain solution at each printing line, as monitored in accordance with Section 218.410(a); and

ii) A maintenance log for the temperature monitoring devices and automatic, continuous temperature recorders detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

3) Notify the Agency in writing of any violation of Section 218.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.

f) For lithographic printing line cleaning operations, an owner or operator of a lithographic printing line subject to the requirements of Section 218.407 of this Subpart shall:

1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 218.405(c)(3)(C), and the handling of all cleaning materials, will be in compliance with the requirements of Section 218.407(a)(4)(A) or (a)(4)(B) and (a)(5) of this Subpart, and such certification shall also include:

A) A statement that the cleaning solution will comply with the limitations in Section 218.407(a)(4);

B) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

C) A sample of the records that will be kept pursuant to subsection (f)(2) of this Section; and

D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;

2) Collect and record the following information for each cleaning solution used on each lithographic printing line:

A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.407(a)(4)(A) of this Subpart and that is prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.409(c) of this Subpart;

iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);

iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

v) The VOM content of the as-used cleaning solution, with supporting calculations; and

vi) A calibration log for the automatic equipment, detailing

periodic checks;

B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.407(a)(4)(A) of this Subpart, and that is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.409(c) of this Subpart;

iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.407(a)(4)(B) of this Subpart:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The molecular weight, density, and VOM composite partial

vapor pressure of each cleaning solvent, as determined in accordance with Section 218.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and

v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

D) The date, time and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

3) Notify the Agency in writing of any violation of Section 218.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.

g) The owner or operator of lithographic printing lines subject to one or more of the exclusions set forth in Section 218.405(c)(3) shall:

1) By August 1, 2010, or upon initial start-up of a new lithographic printing line that is subject to one or more of the exclusions set forth in Section 218.405(c)(3), whichever is later, submit a certification to the Agency that includes either:

A) A declaration that the source is subject to one or more of the exclusions set forth in Section 218.405(c)(3) and a statement indicating which such exclusions apply to the source; or

B) A declaration that the source will not make use of any of the exclusions set forth in Section 218.405(c)(3);

2) Unless the source has certified in accordance with subsection (g)(1)(B) of this Section that it will not make use of any of the exclusions set forth in Section 218.405(c)(3):

A) Collect and record the following information for all lithographic printing lines at the source:

i) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, determined in accordance with the calculations in subsection (b)(2)(B) of this Section;

ii) The name, identification, and volume of all~~amount of~~ cleaning materials used per calendar month on lithographic printing lines at the source that do~~does~~ not comply with the cleaning material limitations in Section 218.407(a)(4) of this Subpart;

B) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs;

3) If changing from utilization of the exclusions set forth in Section 218.405(c)(3) to opting out of such exclusions pursuant to subsection (g)(1)(B) of this Section, or if there is a change at the source such that the

exclusions no longer apply, certify compliance in accordance with subsection (g)(1)(B) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the applicable requirements of Section 218.407 of this Subpart;

4) If changing from opting out of the exclusions set forth in Section 218.405(c)(3) pursuant to subsection (g)(1)(B) of this Section to utilization of such exclusions, certify compliance in accordance with subsection (g)(1)(A) of this Section within 30 days after making such change.

h) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

i) Provisions for Calculation of Emissions from Heatset Web Offset Lithographic Printing Operations. To calculate VOM emissions from heatset web offset lithographic printing operations for purposes other than the applicability thresholds specified in Section 218.405 of this Subpart, sources may use the following emission adjustment factors (for Annual Emissions Reports or permit limits, for example):

1) A factor of 0.80 may be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;

2) To determine VOM emissions from fountain solutions that contain no alcohol, an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

A) The VOM emitted from the fountain solution shall be calculated using the following equation:

$$VOM_{fs} = 0.30 \times VOM_{tot} + (0.70 \times VOM_{tot}) = \times (1 - DE)$$

where:

VOM_{tot} = Total VOM in the fountain solution;

VOM_{fs} = VOM emitted from the fountain solution;

DE = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0;

B) For fountain solutions that contain alcohol, impervious substrates such as metal or plastic, or non-heatset lithographic presses, no emission adjustment factor is used;

3) To determine VOM emissions from cleaning solutions used on heatset web offset lithographic printing lines at the source, an emission adjustment factor of 0.50 may be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. To determine VOM emissions from automatic blanket wash solution with a VOM composite vapor pressure of less than 10 mmHg measured at 20°C (68°F), an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

A) The VOM emitted from the automatic blanket wash solution shall be calculated using the following equation.

$$VOM_{bw} = 0.60 \times VOM_{tot} + (0.40 \times VOM_{tot}) \times (1 - DE)$$

where:

VOM_{tot} = Total VOM in the blanket wash;

VOM_{tow} = VOM emitted from the blanket wash;

DE = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0;

B) For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F), for shop towels that are not kept in closed containers, and for impervious substrates such as metal or plastic, no emission adjustment factor is used.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.415 Testing for Letterpress Printing Lines

a) Testing to demonstrate compliance with the requirements of Section 218.413 of this Subpart shall be conducted by the owner or operator by January 1, 2012, unless such testing has been conducted within the two years immediately preceding January 1, 2012. Thereafter, testing shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator, and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

b) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;

3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. For

thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

C) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

4) Notwithstanding the criteria or requirements in Method 25 which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);

5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and

6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 218.413(a)(1)(A) of this Subpart.

c) Testing to demonstrate compliance with the VOM content limitations in Section 218.413(a)(2)(A) of this Subpart, and to determine the VOM content of cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 218.417(b)(1)(B) of this Subpart), shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 218.112 of this Part, shall be used to demonstrate compliance; or

2) The manufacturer's specifications for VOM content for cleaning solvents and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method24 shall be used to determine compliance.

d) Testing to demonstrate compliance with the requirements of Section 218.413(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 218.413(b) of this Subpart.

e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 218.110 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.417 Recordkeeping and Reporting for Letterpress Printing Lines

a) By August 1, 2010, or upon initial start-up of a new heatset web letterpress printing line, whichever is later, and upon modification of a heatset web letterpress printing line, an owner or operator of a heatset web letterpress printing line exempt from any of the limitations of Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(1) shall submit a certification to the Agency that includes:

1) A declaration that the source is exempt from the requirements in Section

218.413 of this Subpart because of the criteria in Section 218.412(a)(1) of this Subpart;

2) Calculations which demonstrate that the source's total potential to emit VOM does not equal or exceed 22.7 Mg (25 tons) per year.

b) An owner or operator of a letterpress printing line exempt from any of the limitations of Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(2) shall:

1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, and upon modification of a letterpress printing line, submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A) through (b)(1)(C) of this Section, or subsections (b)(1)(A) and (b)(1)(D) of this Section, as applicable:

A) A declaration that the source is exempt from the control requirements in Section 218.413 of this Part because of the criteria in Section 218.412(a)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) and divide this amount by the number of days during that calendar month that letterpress printing lines at the source were in operation;

ii) To determine the VOM content of the inks and cleaning solvents, the tests methods and procedures set forth in Section 218.415(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on letterpress printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from cleaning solutions used on letterpress printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. Otherwise, no retention factor is used;

C) A description and the results of all tests used to determine the VOM content of inks and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.415(c)(1) of this Subpart;

D) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) or (b)(1)(D)(ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days of the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar

months, it is no longer eligible to use this subsection as an alternative to the calculations in subsection (b)(1)(B).

i) The sum of all sheetfed and nonheatset web letterpress printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent; or

ii) The sum of all heatset web letterpress printing operations at the source: 204.1 kg (450 lbs) of ink and cleaning solvent;

2) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs;

3) For sources complying with subsection (b)(1)(D) of this Section, comply with the following:

A) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) and (b)(1)(D)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM. On and after January 1, 2012, such records shall include the name, identification number, and VOM content of each cleaning solvent and ink used per calendar month, the volume of each cleaning solvent used per calendar month for each sheetfed and nonheatset web letterpress printing operation, and the weight of each cleaning solvent and ink used per calendar month for each heatset web letterpress printing operation;

B) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(D) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs.

c) Unless complying with subsections (b)(1)(D) and (b)(3) of this Section, on and after August 1, 2010, an owner or operator of a letterpress printing line exempt from any of the limitations in Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(1) or (a)(2)~~subject to the requirements in subsections (a) or (b) of this Section~~ shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all letterpress printing lines at the source:

1) Standard recordkeeping, including the following:

A) The name and identification of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

B) A daily record that shows whether a letterpress printing line at the source was in operation on that day;

C) The VOM content and the volume of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month; and

E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;

2) Purchase and inventory recordkeeping, including the following:

A) The name, identification, and VOM content of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

B) Inventory records from the beginning and end of each month indicating the total volume of each letterpress ink, and cleaning solvent to be used on any letterpress printing line at the source;

C) Monthly purchase records for each letterpress ink and cleaning solvent used on any letterpress printing line at the source;

D) A daily record that shows whether a letterpress printing line at the source was in operation on that day;

E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment factor) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section; and

F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;

d) An owner or operator of a heatset web letterpress printing lines subject to the control requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart shall comply with the following:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon initial start-up of a new control device for a heatset web printing line, submit a certification to the Agency that includes the following:

A) An identification of each heatset web letterpress printing line at the source;

B) A declaration that each heatset web letterpress printing line is in compliance with the requirements of Section 218.413 (a)(1) or (b) of this Subpart, as appropriate;

C) The type of afterburner or other approved control device used to comply with the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, and the date that such device was first constructed at the subject source;

D) The control requirements in Section 218.413(a)(1)(B) or (b)(1) of this Subpart with which the letterpress printing line is complying;

E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and

F) A declaration that the monitoring equipment required under Section 218.413(a)(1)(C) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;

2) If testing of the afterburner or other approved control device is conducted pursuant to Section 218.415(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the letterpress printing lines is in compliance with Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable, have been properly performed;

B) A statement whether the heatset web letterpress printing lines are or are not in compliance with Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and

C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 218.416(a) or (b) of this Subpart, as applicable;

3) Except as provided in subsection (d)(3)(D) of this Section, collect and record daily the following information for each heatset web letterpress printing line subject to the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart:

A) Afterburner or other approved control device monitoring data in accordance with Section 218.416(a) or (b) of this Subpart, as applicable;

B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and

D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 218.413(a)(1)(A) of this Subpart at least once per calendar month while the line is operating;

4) Notify the Agency in writing of any violation of Section 218.413(a)(1)(B) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

5) If changing the method of compliance between Sections 218.413(a)(1)(B) and 218.413(b) of this Subpart, certify compliance for the new method of compliance in accordance with Section 218.413(b) at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 218.413(a)(1) of this Subpart, or Section 218.413(b) of this Subpart, as applicable.

e) For letterpress printing line cleaning operations, an owner or operator of a letterpress printing line subject to the requirements of Section 218.413 of this Subpart shall:

1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 218.412(b), and the handling of all cleaning materials will be in compliance with the requirements of Section 218.413(a)(2)(A) or (a)(2)(B) and (a)(3) of this Subpart. Such certification shall include:

A) A statement that the cleaning solution will comply with the limitations in Section 218.413(a)(2);

B) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

C) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section; and

D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;

2) Collect and record the following information for each cleaning solution used on each letterpress printing line:

A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.413(a)(2)(A) of this Subpart and that is prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.415(c) of this Subpart;

iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);

iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

v) The VOM content of the as-used cleaning solution, with supporting calculations; and

vi) A calibration log for the automatic equipment, detailing periodic checks;

B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.413(a)(2)(A) of this Subpart, and that is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.415(c) of this Subpart;

iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.413(a)(2)(B) of this Subpart:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 218.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and

v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

D) The date, time, and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

E) The amount of cleaning materials used on letterpress printing lines at the source that do not comply with the cleaning material limitations set forth in Section 218.413(a)(2) of this Subpart;

3) Notify the Agency in writing of any violation of Section 218.413 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.

f) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

Section 218.891 Emission Limitations and Control Requirements

a) Except as provided in subsection (f) of this Section, no owner or operator of a source subject to the requirements of this Subpart shall use a subject resin or gel coat at the source unless the resin and gel coat comply with subsection (b)(1) or (b)(2), (c), or (d) of this Section, as well as with subsections (e), (g), and (h) of this Section. For sources complying pursuant to subsection (b) or (c) of this Section, if the non-monomer VOM content of a resin or gel coat exceeds 5 percent, by weight, the excess non-monomer VOM shall be added to the monomer VOM content of the resin or gel coat. The excess non-monomer VOM shall be calculated in accordance with the following equation ~~below~~:

$$\text{Excess Non-Monomer VOM} = \text{Non-monomer VOM Content} - 5 \text{ percent, by weight}$$

$$\cancel{WeightedAverageMonomerVOMContent} = \frac{\sum_{i=1}^{n} M_i VOM_i}{\sum_{i=1}^{n} M_i} + \frac{\sum_{i=1}^{n} M_i VOM_{nm} - \sum_{i=1}^{n} 0.05 * M_i}{\sum_{i=1}^{n} M_i}$$

~~where:~~

~~M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams.~~

~~VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.~~

~~i = Subscript denoting a specific open molding resin or gel coat applied.~~

~~n = Number of different open molding resins or gel coats used in the past 12 months in an operation.~~

~~VOM_{nm} = Non-monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.~~

b) VOM Content Limitations

1) Except as provided in subsection (e) of this Section, the monomer VOM content of a subject resin or gel coat shall not exceed the following limitations:

			Weighted average monomer VOM content (weight percent)
A)	Production resin		
	i)	Atomized spray	28
	ii)	Non-atomized	35
B)	Pigmented gel coat		33
C)	Clear gel coat		48
D)	Tooling resin		
	i)	Atomized	30
	ii)	Non-atomized	39
E)	Tooling gel coat		40

2) Except as provided in subsection (e) of this Section, the weighted average monomer VOM content of a subject resin or gel coat shall not exceed the applicable limitation set forth in subsection (b)(1) of this Section on a 12-month rolling average basis. Equation 1 below shall be used to determine

the weighted average monomer VOM content for resin and gel coat materials.

Equation 1:

$$\text{Weighted Average Monomer VOM Content} = \frac{\sum_{i=1}^{n} M_i VOM_i}{\sum_{i=1}^{n} M_i}$$

where:

M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams;

VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation;

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

c) Emissions Averaging Alternative. The owner or operator of a source subject to the requirements of this Subpart may elect to include some or all of the subject resin and gel coat operations at the source in the emissions averaging alternative. Resin and gel coat operations utilizing the emissions averaging alternative shall comply with a source-specific monomer VOM mass emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. All subject resin and gel coat operations that do not utilize the emissions averaging alternative shall comply with the requirements in subsection (b) or (d) of this Section, as well as with all other applicable requirements in this Section.

1) The owner or operator of a source subject to this subsection (c) shall use Equation 2 to determine the source-specific monomer VOM mass emission limit for resin and gel coats included in the emissions average:

Equation 2:

$$\text{Monomer VOM Limit} = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

where:

Monomer VOM Limit = Total allowable monomer VOM that can be emitted from the open molding operations included in the average, expressed in kilograms per 12-month period;

M_R = Mass of production resin used in the past 12 months, excluding any materials that are exempt, expressed in megagrams (Mg);

M_{PG} = Mass of pigmented gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{CG} = Mass of clear gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{TR} = Mass of tooling resin used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{TG} = Mass of tooling gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg.

The numerical coefficients associated with each term on the right hand side of Equation 2 are the allowable monomer VOM emission rates for that particular material in units of kg VOM/Mg of material used.

2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (c) shall use Equation 3 to calculate the monomer VOM emissions from the resin and gel coat operations included in the emissions average~~ to determine whether the emissions exceed the limitation calculated using Equation 2~~. The monomer VOM emissions calculated

using Equation 3 shall not exceed the monomer VOM limit calculated using Equation 2.

Equation 3:

$$\text{Monomer VOM Emissions} = \frac{(PV_R)(M_R)+(PV_{PG})(M_{PG})+(PV_{CG})(M_{CG})}{(PV_{TR})(M_{TR})+(PV_{TG})(M_{TG})}$$

where:

Monomer VOM Emissions = Monomer VOM emissions calculated using the monomer VOM emission equations for each operation included in the average, expressed in kilograms;

PV_R = Weighted-average monomer VOM emission rate for production resin used in the past 12 months, expressed in kg/Mg, calculated in accordance with Equation 4 in subsection (c)(3);

M_R = Mass of production resin used in the past 12 months, expressed in Mg;

PV_{PG} = Weighted-average monomer VOM emission rate for pigmented gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{PG} = Mass of pigmented gel coat used in the past 12 months, expressed in Mg;

PV_{CG} = Weighted-average monomer VOM emission rate for clear gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{CG} = Mass of clear gel coat used in the past 12 months, expressed in Mg;

PV_{TR} = Weighted-average monomer VOM emission rate for tooling resin used in the past 12 months, expressed in

kg/Mg, calculated pursuant to Equation 4;

M_{TR} = Mass of tooling resin used in the past 12 months, expressed in Mg;

PV_{TG} = Weighted-average monomer VOM emission rate for tooling gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{TG} = Mass of tooling gel coat used in the past 12 months, expressed in Mg.

3) For purposes of Equation 3, the owner or operator of a source subject to this subsection (c) shall use Equation 4 to calculate the weighted-average monomer VOM emission rate for the previous 12 months for each resin and gel coat operation included in the emissions average, except as provided in subsection (e) of this Section.

Equation 4:

$$PV_{OP} = \frac{\sum_{i=1}^{n} M_i PV_i}{\sum_{i=1}^{n} M_i}$$

where:

PV_{OP} = Weighted-average monomer VOM emission rate for each open molding operation (PV_R, PV_{PG}, PV_{CG}, PV_{TR}, and PV_{TG}) included in the average, expressed in kg of monomer VOM per Mg of material applied;

M_i = Mass of resin or gel coat (i) used within an operation in the past 12 months, expressed in Mg;

n = Number of different open molding resins and gel coats used within an operation in the past 12 months;

PV_i = The monomer VOM emission rate for resin or gel coat (i)

used within an operation in the past 12 months, expressed in kg of monomer VOM per Mg of material applied. The monomer VOM emission rate formulas in subsection (c)(4) of this Section shall be used to compute PV_i. If a source includes filled resins in the emissions average, the source shall use the value of PV_F, calculated using Equation 5 in subsection (e)(3) of this Section, as the value of PV_i for those resins;

i = Subscript denoting a specific open molding resin or gel coat applied.

4) For purposes of Equation 4 and subsection (e)(3) of this Section, the following monomer VOM emission rate formulas shall apply. Such formulas calculate monomer VOM emission rates in terms of kg of monomer VOM per Mg of resin or gel coat applied. "VOM%" means the monomer VOM content as supplied, expressed as a weight percent value between 0 and 100 percent:

A) Production resin, tooling resin:

i) Atomized: $0.014 \times (\text{Resin VOM\%})^{2.425}$

ii) Atomized, plus vacuum bagging with roll-out: $0.01185 \times (\text{Resin VOM\%})^{2.425}$

iii) Atomized, plus vacuum bagging without roll-out: $0.00945 \times (\text{Resin VOM\%})^{2.425}$

iv) Nonatomized: $0.014 \times (\text{Resin VOM\%})^{2.275}$

v) Nonatomized, plus vacuum bagging with roll-out: $0.0110 \times (\text{Resin VOM\%})^{2.275}$

vi) Nonatomized, plus vacuum bagging without roll-out: $0.0076 \times (\text{Resin VOM\%})^{2.275}$

B) Pigmented gel coat, clear gel coat, tooling gel coat: $0.445 \times (\text{Gel Coat VOM\%})^{1.675}$

d) Capture System and Control Device Requirements. No owner or operator of a source subject to the requirements of this Subpart that is utilizing a capture system and control device for a subject resin or gel coat operation shall conduct that operation unless the following requirements are satisfied:

1) An afterburner or carbon adsorber is installed and operated that meets the limitations set forth in this subsection (d). The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if that device complies with all limitations in this subsection (d), the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device, and the plan is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~;

2) The VOM emissions at the outlet of the control device meet an emissions limitation determined using Equation 2 in subsection (c)(1) of this Section. In Equation 2, however, instead of using the mass of each material used over the past 12 months to determine the emission limitation, the owner or operator shall use the mass of each material used during the applicable control device performance test;

3) The owner or operator complies with all testing and monitoring requirements set forth in Section 218.892 of this Subpart.

e) Filled Resins. For all filled production and tooling resins, the owner or operator of a source subject to this Subpart shall adjust the monomer VOM emission rates determined pursuant to subsections (b) and (c) of this Section using Equation 5 in subsection (e)(3). If complying pursuant to subsection (b), the emission rate determined using Equation 5 shall not exceed the limitations set forth in subsections (e)(1) and (e)(2) of this Section. If complying pursuant to subsection (c), the value of PV_F, calculated using Equation 5, shall be used as the value of PV_i in Equation 4, as set forth in subsection (c)(3) of this Section. If the non-monomer VOM content of a filled resin exceeds 5 percent, by weight, based on the unfilled resin, the excess non-monomer VOM shall be added to the monomer VOM content in accordance with the equation set forth in subsection (a).

1) Tooling Resin: 54 kg (119.1 lbs) monomer VOM/Mg filled resin applied;

2) Production Resin: 46 kg (101.4 lbs) monomer VOM/Mg filled resin applied;

3) Equation 5:

$$PV_F = PV_U \times \frac{100 - \%Filler}{100}$$

where:

PV_F = The as-applied monomer VOM emission rate for the filled production resin or tooling resin, expressed in kg monomer VOM per Mg of filled material;

PV_U = The monomer VOM emission rate for the unfilled resin, before filler is added, expressed in kg monomer VOM per Mg, as calculated using the formulas in Section 218.891(c~~b~~)(4) of this Subpart;

% Filler = The weight-percent of filler in the as-applied filled resin system.

f) The limitations in subsections (a) through (e) of this Section shall not apply to the following materials. These materials shall instead comply with the applicable requirements set forth in subsections (f)(1) through (f)(3).

1) Production resins, including skin coat resins, that must meet specifications for use in military vessels or must be approved by the United States Coast Guard for use in the construction of lifeboats, rescue boats, and other life-saving appliances approved under 46 CFR Subchapter Q, incorporated by reference in Section 218.112 of this Part, or for use in the construction of small passenger vessels regulated by 40 CFR Subchapter T, incorporated by reference in Section 218.112 of this Part. The owner or operator of a source subject to this Subpart shall apply all such resins with nonatomizing resin application equipment;

2) Production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch ups. These materials shall not

exceed 1 percent, by weight, of all resins and gel coats used at a subject source on a 12-month rolling average basis;

3) Pure, 100 percent vinylester resins used for skin coats. The owner or operator of a source subject to this Subpart shall apply these resins with non-atomizing resin application equipment, and the total amount of the resins shall not exceed 5 percent, by weight, of all resins used at the subject source on a 12-month rolling-average basis.

g) No owner or operator of a source subject to this Subpart shall use VOM-containing cleaning solutions to remove cured resins and gel coats from fiberglass boat manufacturing application equipment. Additionally, no owner or operator shall use VOM-containing cleaning solutions for routine cleaning of application equipment unless:

1) The VOM content of the cleaning solution is less than or equal to 5 percent, by weight; or

2) The composite vapor pressure of the cleaning solution is less than or equal to 0.50 mmHg at 68°F.

h) No owner or operator of a source subject to this Subpart shall use resin or gel coat mixing containers with a capacity equal to or greater than 208 liters (55 gallons), including those used for on-site mixing of putties and polyputties, unless such containers have covers with no visible gaps in place at all times, except when material is being manually added to or removed from a container or when mixing or pumping equipment is being placed in or removed from a container.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.892 Testing and Monitoring Requirements

a) Testing to demonstrate compliance with the requirements of Section 218.891 of this Subpart shall be conducted by the owner or operator by May 1, 2012. Thereafter, testing shall be conducted within 90 days after a request by the Agency, or as otherwise specified in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.

b) Testing to demonstrate compliance with the monomer VOM content limitations for resin and gel coat materials in Section 218.891(b) of this Subpart shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, in accordance with SCAQMD 312-91, incorporated by reference in Section 218.112 of this Part.

c) The owner or operator of a source complying with this Subpart pursuant to Section 218.891(d) shall comply with the following:

1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, conduct an initial performance test of the control device in accordance with this subsection (c) that demonstrates compliance with the emission limitation determined pursuant to Section 218.891(d).

2) Subsequent to the initial performance test described in subsection (c)(1) of this Section, conduct at least one performance test per calendar year. Performance tests used to demonstrate compliance with Section 218.891(d) shall be conducted at least six months apart, unless the performance test is being conducted following an exceedance of operating parameters as described in subsection (c)(3) of this Section, or per a request by the Agency.

3) Monitor and record relevant operating parameters, including the control efficiency of the control device and the amount of materials used in the fiberglass boat manufacturing process, during each control device performance test used to demonstrate compliance with Section 218.891(d). The owner or operator shall continue to operate the fiberglass boat manufacturing process within the parameters until another performance test is conducted that demonstrates compliance with Section 218.891(d). The owner or operator shall monitor the parameters at all times when the control device is in operation. If the fiberglass boat manufacturing process exceeds any operating parameter by more than 10 percent, the owner or operator shall conduct additional performance testing in accordance with this Section within 10 operating days after the exceedance.

4) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.891(d) of this Subpart, as follows:

A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part;

C) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

i) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

ii) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

iii) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a

retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest again using Method 25;

D) Notwithstanding the criteria or requirements in Method 25, which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F); and

E) During testing, the fiberglass boat manufacturing operation shall be operated at representative operating conditions and flow rates.

5) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator shall:

A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and

B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.

6) If a carbon adsorber is used to demonstrate compliance, the owner or operator shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

7~~6~~) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.891(d).

d) Testing to demonstrate compliance with the VOM content limitations for cleaning solutions in Section 218.891(g) of this Subpart, and with the non-monomer VOM content limitations for resin and gel coat materials in Section 218.891(a) of this Subpart, shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 218.112 of this Part, shall be used to demonstrate compliance; or

2) For cleaning solvents, the manufacturer's specifications for VOM content may be used if the manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance. In the event of any inconsistency between a Method 24 test and the manufacturer's specifications, the Method 24 test shall govern.

e) The owner or operator of a source subject to this Subpart and relying on the VOM content of the cleaning solution to comply with Section 218.891(g)(1) of this Subpart shall:

1) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):

A) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and

B) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 218.891(g)(1);

2) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 218.894(g) of this Subpart.

f) Testing to demonstrate compliance with the VOM composite partial vapor pressure limitation for cleaning solvents set forth in Section 218.891(g) of this Subpart shall be conducted in accordance with the applicable methods and procedures set forth in Section 218.110 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.894 Recordkeeping and Reporting Requirements

a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 218.890(a) of this Subpart shall:

1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the following:

A) A declaration that the source is exempt from the requirements in this Subpart because of the criteria in Section 218.890(a);

B) Calculations that demonstrate that combined emissions of VOM from all subject fiberglass boat manufacturing operations (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operation) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from fiberglass boat manufacturing operations at the source (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operations) and divide the amount by the number of days during that calendar month that the fiberglass boat manufacturing operations were in operation;

2) Collect and record the following information and provide copies of the records to the Agency upon request:

A) The total pounds of all resins and gel coats used per calendar month;

B) The total gallons of all cleanup materials used per calendar month;

C) The VOM content of each resin, gel coat, and cleanup material used per calendar month;

D) The total VOM emissions, in pounds, for all resins, gel coats, and cleanup materials employed per calendar month, before the application of control systems and devices.

3~~2~~) Notify the Agency of any record that shows that the combined emissions of VOM from subject fiberglass boat manufacturing operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of the record upon request by the Agency.

b) All sources subject to the requirements of this Subpart shall:

1) By May 1, 2012, or upon initial start-up of the source, whichever is later, and upon start-up of a new fiberglass boat manufacturing operation at the source, submit a certification to the Agency that includes:

A) Identification of each subject fiberglass boat manufacturing operation as of the date of certification;

B) A declaration that all subject fiberglass boat manufacturing operations, including related cleaning operations, are in compliance with the requirements of this Subpart;

C) The limitation with which each subject fiberglass boat manufacturing operation will comply (i.e., the VOM content limitation, the emissions averaging alternative, or the emissions control system alternative);

D) Initial documentation that each subject fiberglass boat manufacturing operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;

E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 218.891(h) of this Subpart;

G) A description of each fiberglass boat manufacturing operation exempt pursuant to Section 218.890(b) of this Subpart, if any;

H) A description of materials subject to Section 218.891(f) of this Subpart, if any, used in each fiberglass boat manufacturing operation;

2) At least 30 calendar days before changing the method of compliance in accordance with Section 218.891(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;

3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;

4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.

c) The owner or operator of a fiberglass boat manufacturing operation subject to the limitations of Section 218.891 of this Subpart and complying by means of Section 218.891(b) shall comply with the following.

1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number,

and VOM content of each subject resin and gel coat as applied each day by each subject fiberglass boat manufacturing operation;

2) Collect and record the following information each day for each fiberglass boat manufacturing operation complying with Section 218.891(b):

A) The name, identification number, and VOM content of each subject resin and gel coat as applied each day by each fiberglass boat manufacturing operation; and

B) If complying with Section 218.891(b)(2), the mass of each open molding resin or gel coat as applied each month by each subject fiberglass boat manufacturing operation and the~~daily~~ weighted average VOM content of all subject resins and gel coats as applied by each subject fiberglass boat manufacturing operation.

d) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 218.891 of this Subpart and complying by means of Section 218.891(c) shall:

1) On and after May 1, 2012, collect and record the following information each month:

A) The amount of production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;

B) The VOM content of each production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;

C) Total monthly VOM emissions for all subject fiberglass boat manufacturing operations;

2) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:

A) The monomer VOM mass emission limit for all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period, with supporting calculations;

B) The total actual emissions of VOM from all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period.

e) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 218.891 of this Subpart and complying by means of Section 218.891(d) shall:

1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, submit a certification to the Agency that includes the following:

A) The type of control device used to comply with the requirements of Section 218.891(d);

B) The results of all tests and calculations necessary to demonstrate compliance with the requirements of Section 218.891(d); and

C) A declaration that the monitoring equipment required under Section 218.892 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;

2) Within 90 days after conducting testing pursuant to Section 218.892, submit to the Agency a copy of all test results, as well as a certification that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the fiberglass boat manufacturing operation is in compliance with Section 218.891(d) have been properly performed;

B) A statement whether the fiberglass boat manufacturing operations are or are not in compliance with Section 218.891(d);

C) The emissions limitation applicable during the control device performance test, with supporting calculations;

D) The operating parameters of the fiberglass boat manufacturing process during testing, as monitored in accordance with Section 218.892;

3) Collect and record daily the following information for each fiberglass boat manufacturing operation subject to the requirements of Section 218.891(d), and submit that information to the Agency upon request:

A) Afterburner or other approved control device monitoring data in accordance with Section 218.892 of this Subpart;

B) A log of operating time for the control device and monitoring equipment;

C) A maintenance log for the control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;

D) Information to substantiate that the fiberglass boat manufacturing operation is operating in compliance with the parameters determined pursuant to Section 218.892.

f) The owner or operator of a source subject to the requirements in Section 218.891(f) of this Subpart shall collect and record the following information for each fiberglass boat manufacturing operation:

1) The name and identification number of each material subject to Section 218.891(f) as applied each day by each subject fiberglass boat manufacturing operation;

2) If subject to Section 218.891(f)(2), the amount of production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch-ups, used each month at the subject source, and the total amount of all resins and gel coats used each month at the subject source;

3) If subject to Section 218.891(f)(3), the amount of pure, 100 percent vinylester resins used for skin coats each month at the subject source, and the total amount of all resins used each month at the subject source.

g) The owner or operator of a source subject to the requirements of Section 218.891 of this Subpart shall collect and record the following information for each cleaning solution used in each fiberglass boat manufacturing operation:

1) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.891(g) of this Subpart and that is prepared at the source with automatic equipment:

A) The name and identification of each cleaning solution;

B) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.892(d) of this Subpart;

C) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);

D) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

E) The VOM content of the as-used cleaning solution, with supporting calculations; and

F) A calibration log for the automatic equipment, detailing periodic checks;

2) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.891(g), and that is not prepared at the source with automatic equipment:

A) The name and identification of each cleaning solution;

B) Date and time of preparation, and each subsequent modification, of the batch;

C) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.892(d);

D) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and

E) The VOM content of the as-used cleaning solution, with supporting calculations;

3) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.891(g):

A) The name and identification of each cleaning solution;

B) Date and time of preparation, and each subsequent modification, of the batch;

C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 218.892(f) of this Subpart;

D) The total amount of each cleaning solvent, including water, used to prepare the as-used cleaning solution; and

E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.110 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

Section 218.901 Emission Limitations and Control Requirements

a) The owner or operator of a source subject to the requirements of this Subpart shall comply with the limitations in subsection (b), (c), or (d) of this Section, as well as with the limitations in subsections (e) and (f) of this Section. Notwithstanding this requirement, sources subject to Section 218.900(b)(2) shall comply with the limitations in subsection (f) of this Section only.

b) The owner or operator of adhesive application operations listed in this subsection (b) shall comply with the following VOM emission limitations, minus water and any compounds that are specifically exempted from the definition of VOM, as applied. If an adhesive is used to bond dissimilar substrates together, the substrate category with the highest VOM emission limitation shall apply:

			kg VOM/l adhesive or adhesive primer applied	lb VOM/gal adhesive or adhesive primer applied
1)	General adhesive application operations			
	A)	Reinforced plastic composite	0.200	(1.7)
	B)	Flexible vinyl	0.250	(2.1)
	C)	Metal	0.030	(0.3)
	D)	Porous material (except wood)	0.120	(1.0)
	E)	Rubber	0.250	(2.1)
	F)	Wood	0.030	(0.3)
	G)	Other substrates	0.250	(2.1)
2)	Specialty adhesive application operations			
	A)	Ceramic tile installation	0.130	(1.1)
	B)	Contact adhesive	0.250	(2.1)

C)	Cove base installation	0.150	(1.3)
D)	Indoor floor covering installation	0.150	(1.3)
E)	Outdoor floor covering installation	0.250	(2.1)
F)	Installation of perimeter bonded sheet flooring	0.660	(5.5)
G)	Metal to urethane/rubber molding or casting	0.850	(7.1)
H)	Motor vehicle adhesive	0.250	(2.1)
I)	Motor vehicle weatherstrip adhesive	0.750	(6.3)
J)	Multipurpose construction	0.200	(1.7)
K)	Plastic solvent welding (acrylonitrile butadiene styrene (ABS) welding)	0.400	(3.3)
L)	Plastic solvent welding (except ABS welding)	0.500	(4.2)
M)	Sheet rubber lining installation	0.850	(7.1)
N)	Single-ply roof membrane installation/repair (except ethylene propylenediene monomer (EPDM) roof membrane)	0.250	(2.1)
O)	Structural glazing	0.100	(0.8)
P)	Thin metal laminate	0.780	(6.5)
Q)	Tire repair	0.100	(0.8)

R)	Waterproof resorcinol glue	0.170	(1.4)

3) Adhesive primer application operations

A)	Motor vehicle glass bonding primer	0.900	(7.5)
B)	Plastic solvent welding adhesive primer	0.650	(5.4)
C)	Single-ply roof membrane adhesive primer	0.250	(2.1)
D)	Other adhesive primer	0.250	(2.1)

c) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation unless the daily-weighted average VOM content of subject adhesives as applied each day by the operation, calculated in accordance with subsection (c)(1) of this Section, is less than or equal to the emissions limitation calculated in accordance with subsection (c)(2) of this Section.

1) Weighted Average of VOM Content of Adhesives Applied Each Day

$$VOM_{WA} = \frac{\sum_{i=1}^{n} V_i VOM_i}{\sum_{i=1}^{n} V_i}$$

$$\cancel{VOM_{WA} = \frac{\sum_{i=1}^{n} M_i VOM_i}{\sum_{i=1}^{n} M_1}}$$

where:

VOM_{WA} = The weighted average VOM content in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day;

i = Subscript denoting a specific adhesive as applied;

n = The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

$V\cancel{M}_i$ = The volume~~mass~~ of each adhesive, as applied, in units of ~~kg/~~l (~~lb/~~gal);

VOM_i = The VOM content in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied;

2) Allowable~~Mass~~ Weighted Average VOM Limit for an Averaging Operation

$$Limit_{WA} = \frac{\sum_{i=1}^{n} V_i Limit_i}{\sum_{i=1}^{n} V_i}$$

$$\cancel{Limit_{WA} = \frac{\sum_{i=1}^{n} M_i Limit_i}{\sum_{i=1}^{n} M_i}}$$

where:

$Limit_{WA}$ = The allowable~~mass~~ weighted average VOM limit in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day in a single operation;

i = Subscript denoting a specific adhesive as applied;

n = The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

VM_i = The volume~~mass~~ of each adhesive, as applied, in units of kg~~/l~~ (lb~~/gal~~);

$Limit_i$ = The VOM limit, taken from subsection (b) of this Section, in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied.

d) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation employing a capture system and control device unless either:

1) An afterburner or carbon adsorption system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation;

2) An alternative capture and control system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation and is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~. The owner or operator shall submit a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; or

3) The owner or operator complies with the applicable limitation set forth in subsection (b) of this Section by utilizing a combination of low-VOM adhesives and an afterburner or carbon adsorption system. The owner or operator may use an alternative capture and control system if the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the capture and control system and the system is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~.

e) The owner or operator of a source subject to this Subpart shall apply all miscellaneous industrial adhesives using one or more of the following methods:

1) Electrostatic spray;

2) High volume low pressure (HVLP) spray;

3) Flow coating. For the purposes of this Subpart, flow coating means a non-atomized technique of applying coating to a substrate with a fluid nozzle with no air supplied to the nozzle;

4) Roll coating or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;

5) Dip coating, including electrodeposition. For purposes of this Subpart, "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created;

6) Airless spray;

7) Air-assisted airless spray; or

8) Another adhesive application method capable of achieving a transfer efficiency equal to or better than that achieved by HVLP spraying, if the method is approved in writing by the Agency.

f) The owner or operator of a source subject to this Subpart shall comply with the following work practices for each subject miscellaneous adhesive application operation at the source:

1) Store all VOM-containing adhesives, adhesive primers, process-related waste materials, cleaning materials, and used shop towels in closed containers;

2) Ensure that mixing and storage containers used for VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing those materials;

3) Minimize spills of VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials;

4) Convey VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials from one location to another in closed containers or pipes; and

5) Minimize VOM emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.902 Testing Requirements

a) Testing to demonstrate compliance with the requirements of this Subpart shall be conducted by the owner or operator by May 1, 2012. Thereafter, testing shall be conducted within 90 days after a request by the Agency, or as otherwise provided in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.

b) Testing to demonstrate compliance with the VOM content limitations in Section 218.901(b) of this Subpart shall be conducted as follows:

1) Method 24, incorporated by reference in Section 218.112 of this Part, shall be used for non-reactive adhesives. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant adhesive formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern;

2) Appendix A of 40 CFR 63, Subpart PPPP, incorporated by reference in Section 218.112 of this Part, shall be used for reactive adhesives.

3) The manufacturer's specifications for VOM content for adhesives may be used if the specifications are based on results of tests of the VOM content conducted in accordance with methods specified in subsections (b)(1) and (b)(2) of this Section, as applicable.

c) For afterburners and carbon adsorbers, the methods and procedures of Section 218.105(d) through (f) of this Part shall be used for testing to demonstrate compliance with the requirements of Section 218.901(d) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;

2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;

3) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used, except under the following circumstances, in which case Method 25A must be used:

A) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;

B) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon;

C) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration

is above 50 ppmv, as carbon, the source must retest using Method 25;

D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates.

d) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 218.901(d) as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.901(d)(3).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.903 Monitoring Requirements

a) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator of a source subject to Section 218.901(d) of this Subpart shall:

1) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and

2) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.

b) If a carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 218.901(d) of this Subpart shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

c~~b~~) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to

Section 218.901(d) of this Subpart shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.901(d)(3).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 218.904 Recordkeeping and Reporting Requirements

a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 218.900(a) of this Subpart shall comply with the following:

1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

A) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 218.900(a);

B) Calculations that demonstrate that combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from miscellaneous industrial adhesive application operations at the source (including related cleaning activities) and divide this amount by the number of days during that calendar month that miscellaneous industrial adhesive application operations at the source were in operation;

2) Collect and record the following information each month for each miscellaneous industrial adhesive application operation, maintain the information at the source for a period of three years, and provide the information to the Agency upon request:

A) The name and identification number of each adhesive as applied by each miscellaneous industrial adhesive application operation; and

B) The weight of VOM per volume and the volume of each adhesive (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month by each miscellaneous industrial adhesive application operation;

3) Notify the Agency of any record that shows that the combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of those records upon request by the Agency.

b) All sources subject to the requirements of this Subpart shall:

1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

A) Identification of each subject adhesive application operation as of the date of certification;

B) A declaration that all subject adhesive application operations are in compliance with the requirements of this Subpart;

C) The limitation with which each subject adhesive application operation will comply (i.e., the VOM content limitation, the daily weighted averaging alternative, or the emissions control system alternative);

D) Initial documentation that each subject adhesive application operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;

E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 218.901(f) of this Subpart;

G) A description of each adhesive application operation exempt pursuant to Section 218.900(b)(2) of this Subpart, if any; and

H) The application methods used by each subject adhesive application operation;

2) At least 30 calendar days before changing the method of compliance in accordance with Section 218.901(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;

3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;

4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.

c) The owner or operator of an adhesive application operation subject to the limitations of Section 218.901 of this Subpart and complying by means of Section 218.901(b) shall comply with the following:

1) By May 1, 2012, or upon the initial start-up date, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;

2) Collect and record the name, identification number, and VOM content of each adhesive as applied each day by each adhesive application operation complying with Section 218.901(b).

d) The owner or operator of an adhesive application operation subject to the limitations of Section 218.901 of this Subpart and complying by means of Section 218.901(c) shall comply with the following:

1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number,

and VOM content of each adhesive as applied by each subject adhesive application operation;

2) Collect and record the following information each day for each adhesive application operation complying by means of Section 218.901(c):

A) The name, identification number, ~~and~~ VOM content, and volume of each adhesive as applied each day by each subject adhesive application operation;

B) The daily weighted average VOM content of all adhesives as applied by each subject adhesive application operation.

e) The owner or operator of an adhesive application operation subject to the requirements of Section 218.901 of this Subpart and complying by means of Section 218.901(d) shall:

1) By May 1, 2012, or upon the initial start-up date, whichever is later, and upon initial start-up of a new control device, submit a certification to the Agency that includes the following:

A) The type of afterburner or other approved control device used to comply with the requirements of Section 218.901(d);

B) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.901(d); and

C) A declaration that the monitoring equipment required under Section 218.903 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;

2) Within 90 days after conducting testing pursuant to Section 218.902 of this Subpart, submit to the Agency a copy of all test results, as well as a certification that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the adhesive application operations are in

compliance with Section 218.901(d) have been properly performed;

B) A statement whether the adhesive application operations are or are not in compliance with Section 218.901(d); and

C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 218.903 of this Subpart;

3) Collect and record daily the following information for each adhesive application operation subject to the requirements of Section 218.901(d):

A) Afterburner or other approved control device monitoring data in accordance with Section 218.903 of this Subpart;

B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated application unit; and

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area

2) Code Citation: 35 Ill. Adm. Code 219

3)

Section Numbers:	Proposed Action:
219.105	Amended
219.187	Amended
219.204	Amended
219.207	Amended
219.211	Amended
219.217	Amended
219.401	Amended
219.404	Amended
219.409	Amended
219.411	Amended
219.415	Amended
219.417	Amended
219.891	Amended
219.892	Amended
219.894	Amended
219.901	Amended
219.902	Amended
219.903	Amended
219.904	Amended

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5]

5) A Complete Description of the Subjects and Issues Involved: The United States Environmental Protection Agency (USEPA) has issued Control Techniques Guidelines (CTGs) for the following Group II and Group IV Consumer and Commercial Product Categories: Industrial Cleaning Solvents, Flat Wood Paneling Coatings, Flexible Packaging Printing Materials, Lithographic Printing Materials, and Letterpress Printing Materials, Miscellaneous Metal and Plastic Parts Coatings, Auto and Light-Duty Truck Coatings, Miscellaneous Industrial Adhesives, and Fiberglass Boat Manufacturing Materials. In response to issuance of those CTGs, the Illinois Environmental Protection Agency (IEPA) proposed amendments to Parts 211, 218, and 219, which were adopted by the Board in rulemaking dockets R10-8, R10-10, and R10-20. The USEPA, however, has

notified the IEPA that additional amendments are necessary in order to obtain approval of a State Implementation Plan (SIP) addressing requirements under the federal Clean Air

Act for sources of volatile organic material (VOM) emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. This rulemaking implements those additional amendments, proposes additional typographical corrections and clarifications, and amends certain provisions in response to comments received from industry representatives.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The regulatory proposal relied on several sources. Copies of the documents the IEPA relied upon are available for review with the Pollution Control Board and are listed below:

Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Flexible Package Printing, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines: Industrial Cleaning Solvents, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Flat Wood Paneling Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

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Control Techniques Guidelines for Miscellaneous Industrial Adhesives, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2008.

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 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)].

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. Comments should reference docket R11-23 and be addressed to:

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

Address all questions to Timothy Fox at 312-814-6085.

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

13) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact any small business, small municipality, and not for profit corporation that falls within one of the Group II or IV Product Categories and meets the applicability thresholds specified in the proposal.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking requires that the owner or operator of a subject source perform emissions monitoring, submit certifications, complete required tests, and maintain records and make reports as required.

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 2011

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: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

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219.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
219.APPENDIX C Reference Methods and Procedures
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219.APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

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

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 Ill. Reg. 7721, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3517, effective

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February 2, 1998; amended in R04-12/20 at 30 Ill. Reg. 9799, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7110, effective April 30, 2007; amended in R10-10 at 34 Ill. Reg. 5392, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9253, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14326, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 496, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 219.105 Test Methods and Procedures

a) Coatings, Inks and Fountain Solutions
The following test methods and procedures shall be used to determine compliance of as applied coatings, inks, and fountain solutions with the limitations set forth in this Part.

1) Sampling: Samples collected for analyses shall be one-liter taken into a one-liter container at a location and time such that the sample will be representative of the coating as applied (i.e., the sample shall include any dilution solvent or other VOM added during the manufacturing process). The container must be tightly sealed immediately after the sample is taken. Any solvent or other VOM added after the sample is taken must be measured and accounted for in the calculations in subsection (a)(3) of this Section. For multiple package coatings, separate samples of each component shall be obtained. A mixed sample shall not be obtained as it will cure in the container. Sampling procedures shall follow the guidelines presented in:

A) ASTM D 3925-81 (1985) standard practice for sampling liquid paints and related pigment coating. This practice is incorporated by reference in Section 219.112 of this Part.

B) ASTM E 300-86 standard practice for sampling industrial chemicals. This practice is incorporated by reference in Section 219.112 of this Part.

2) Analyses: The applicable analytical methods specified below shall be used to determine the composition of coatings, inks, or fountain solutions as applied.

A) Method 24 of 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part, shall be used to determine the VOM content and density of coatings. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.

B) Method 24A of 40 CFR 60, appendix Appendix A, incorporated by reference in Section 219.112, shall be used to determine the VOM content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the Agency and USEPA that the plant coating formulation data are equivalent to Method 24A results, formulation data may be used. In the event of any inconsistency between a Method 24A test and formulation data, the Method 24A test will govern.

C) The following ASTM methods are the analytical procedures for determining VOM:

i) ASTM D 1475-85: Standard test method for density of paint, varnish, lacquer and related products. This test method is incorporated by reference in Section 219.112 of this Part.

ii) ASTM D 2369-87: Standard test method for volatile content of a coating. This test method is incorporated by reference in Section 219.112 of this Part.

iii) ASTM D 3792-86: Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph. This test method is incorporated by reference in Section 219.112 of this Part.

iv) ASTM D 4017-81 (1987): Standard test method for water content in paints and paint materials by the Karl Fischer method. This test method is incorporated by reference in

Section 219.112 of this Part.

v) ASTM D 4457-85: Standard test method for determination of dichloromethane and 1,1,1, trichloroethane in paints and coatings by direct injection into a gas chromatograph. (The procedure delineated above can be used to develop protocols for any compounds specifically exempted from the definition of VOM.) This test method is incorporated by reference in Section 219.112 of this Part.

vi) ASTM D 2697-86: Standard test method for volume non-volatile matter in clear or pigmented coatings. This test method is incorporated by reference in Section 219.112 of this Part.

vii) ASTM D 3980-87: Standard practice for interlaboratory testing of paint and related materials. This practice is incorporated by reference in Section 219.112 of this Part.

viii) ASTM E 180-85: Standard practice for determining the precision of ASTM methods for analysis of and testing of industrial chemicals. This practice is incorporated by reference in Section 219.112 of this Part.

ix) ASTM D 2372-85: Standard method of separation of vehicle from solvent-reducible paints. This method is incorporated by reference in Section 219.112 of this Part.

D) Use of an adaptation to any of the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section may not be used unless approved by the Agency and USEPA. An owner or operator must submit sufficient documentation for the Agency and USEPA to find that the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.

3) Calculations: Calculations for determining the VOM content, water content and the content of any compounds which are specifically exempted from the definition of VOM of coatings, inks and fountain

solutions as applied shall follow the guidance provided in the following documents:

A) "A Guide for Surface Coating Calculation", EPA-340/1-86-016, incorporated by reference in Section 219.112 of this Part.

B) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coatings" (revised June 1986), EPA-450/3-84-019, incorporated by reference in Section 219.112 of this Part.

C) "A Guide for Graphic Arts Calculations", August 1988, EPA-340/1-88-003, incorporated by reference in Section 219.112 of this Part.

b) Automobile or Light-Duty Truck Test Protocol

1) The protocol for testing, including determining the transfer efficiency of coating applicators, at primer surfacer operations and topcoat operations at an automobile or light-duty truck assembly source shall follow the procedures in the following:

A) Prior to May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" ("topcoat protocol"), December 1988, EPA-450/3-88-018, incorporated by reference in Section 219.112 of this Part.

B) On and after May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations" (topcoat protocol), September 2008, EPA-453/R-08-002, incorporated by reference in Section 219.112 of this Part.

2) Prior to testing pursuant to the applicable topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(E) shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated

consistent with the applicable topcoat protocol. The proposal shall include, at a minimum, a comprehensive plan (including a rationale) for determining the transfer efficiency at each booth through the use of in-plant or pilot testing, the selection of coatings to be tested (for the purpose of determining transfer efficiency) including the rationale for coating groupings, the method for determining the analytic VOM content of as applied coatings and the formulation solvent content of as applied coatings, and a description of the records of coating VOM content as applied and coating's usage that will be kept to demonstrate compliance. Upon approval of the proposal by the Agency and USEPA, the compliance demonstration for a coating line may proceed.

c) Capture System Efficiency Test Protocols

1) Applicability
The requirements of subsection (c)(2) of this Section shall apply to all VOM emitting process emission units employing capture equipment (e.g., hoods, ducts), except those cases noted in this subsection (c)(1).

A) If an emission unit is equipped with (or uses) a permanent total enclosure (PTE) that meets Agency and USEPA specifications, and which directs all VOM to a control device, then the emission unit is exempted from the requirements described in subsection (c)(2) of this Section. The Agency and USEPA specifications to determine whether a structure is considered a PTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. In this instance, the capture efficiency is assumed to be 100 percent and the emission unit is still required to measure control efficiency using appropriate test methods as specified in subsection (d) of this Section.

B) If an emission unit is equipped with (or uses) a control device designed to collect and recover VOM (e.g., carbon adsorber), an explicit measurement of capture efficiency is not necessary provided that the conditions given below are met. The overall control of the system can be determined by directly comparing the input liquid VOM to the recovered liquid VOM. The general procedure for use in this situation is given in 40 CFR 60.433, incorporated by reference in Section 219.112 of this Part, with the

following additional restrictions:

i) The source owner or operator shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 7-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 6 operating days to the total solvent usage for the same 7-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433 incorporated by reference in Section 219.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 72 hours following each 7-day period. A source that believes that the 7-day rolling period is not appropriate may use an alternative multi-day rolling period not to exceed 30 days, with the approval of the Agency and USEPA. In addition, the criteria in subsection (c)(1)(B)(ii) or subsection (c)(1)(B)(iii) below must be met.

ii) The solvent recovery system (i.e., capture and control system) must be dedicated to a single coating line, printing line, or other discrete activity that by itself is subject to an applicable VOM emission standard, or

iii) If the solvent recovery system controls more than one coating line, printing line or other discrete activity that by itself is subject to an applicable VOM emission standard, the overall control (i.e., the total recovered VOM divided by the sum of liquid VOM input from all lines and other activities venting to the control system) must meet or exceed the most stringent standard applicable to any line or other discrete activity venting to the control system.

2) Capture Efficiency Protocols
The capture efficiency of an emission unit shall be measured using one of the protocols given below. Appropriate test methods to be utilized in each of the capture efficiency protocols are described in appendix M of 40 CFR

51, incorporated by reference in Section 219.112 of this Part. Any error margin associated with a test method or protocol may not be incorporated into the results of a capture efficiency test. If these techniques are not suitable for a particular process, then an alternative capture efficiency protocol may be used, pursuant to the provisions of Section 219.108(b) of this Part.

A) Gas/gas method using temporary total enclosure (TTE). The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G_w}{G_w + F_w}$$

where:

CE = capture efficiency, decimal fraction;

G_w = mass of VOM captured and delivered to control device using a TTE;

F_w = mass of uncaptured VOM that escapes from a TTE.

Method 204B or 204C contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain G_w. Method 204D in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_w.

B) Liquid/gas method using TTE. The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_W}{L}$$

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_w = mass of uncaptured VOM that escapes from a TTE.

Method 204A or 204F contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain L. Method 204in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_w.

C) Gas/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure, as determined by Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part and in which "F_B" and "G" are measured while operating only the affected line or emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G}{G + F_B}$$

where:

CE = capture efficiency, decimal fraction;

G = mass of VOM captured and delivered to control device;

F_B = mass of uncaptured VOM that escapes from building enclosure.

Method 204B or 204C contained in appendix M of 40 CFR 51,

incorporated by reference in Section 219.112 of this Part is used to obtain G. Method 204E in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_B.

D) Liquid/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure as determined by Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part and in which "F_B" and "L" are measured while operating only the affected line emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_B}{L}$$

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_B = mass of uncaptured VOM that escapes from building enclosure.

Method 204A or 204F contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain L. Method 204E in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_B.

E) Mass balance using Data Quality Objective (DQO) or Lower Confidence Limit (LCL) protocol. For a liquid/gas input where an owner or operator is using the DQO/LCL protocol and not using an enclosure as described in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, the VOM content of the liquid input (L) must be determined using Method 204A or 204F in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The VOM content of

the captured gas stream (G) to the control device must be determined using Method 204B or 204C in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The results of capture efficiency calculations (G/L) must satisfy the DQO or LCL statistical analysis methodology as described in Section 3 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 219.112 of this Part. Where capture efficiency testing is done to determine emission reductions for the purpose of establishing emission credits for offsets, shutdowns, and trading, the LCL protocol cannot be used for these applications. In enforcement cases, the LCL protocol cannot confirm non-compliance; capture efficiency must be determined using a protocol under subsection (c)(2)(A), (B), (C) or (D) of this Section, the DQO protocol of this subsection (c)(2)(E), or an alternative protocol pursuant to Section 219.108(b) of this Part.

BOARD NOTE: Where LCL was used in testing emission units that are the subject of later requests for establishing emission credits for offsets, shutdowns, and trading, prior LCL results may not be relied upon to determine the appropriate amount of credits. Instead, to establish the appropriate amount of credits, additional testing may be required that would satisfy the protocol of Section 219.105(c)(2)(A), (B), (C) or (D), the DQO protocol of Section 219.105(c)(2)(E), or an alternative protocol pursuant to Section 219.108(b) of this Part.

3) Simultaneous testing of multiple lines or emission units with a common control device. If an owner or operator has multiple lines sharing a common control device, the capture efficiency of the lines may be tested simultaneously, subject to the following provisions:

A) Multiple line testing must meet the criteria of Section 4 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 219.112 of this Part;

B) The most stringent capture efficiency required for any individual line or unit must be met by the aggregate of lines or units; and

C) Testing of all the lines of emission units must be performed with the same capture efficiency test protocol.

4) Recordkeeping and Reporting

A) All owners or operators affected by this subsection must maintain a copy of the capture efficiency protocol submitted to the Agency and the USEPA on file. All results of the appropriate test methods and capture efficiency protocols must be reported to the Agency within 60 days after the test date. A copy of the results must be kept on file with the source for a period of 3 years.

B) If any changes are made to capture or control equipment, then the source is required to notify the Agency and the USEPA of these changes and a new test may be required by the Agency or the USEPA.

C) The source must notify the Agency 30 days prior to performing any capture efficiency or control test. At that time, the source must notify the Agency which capture efficiency protocol and control device test methods will be used. Notification of the actual date and expected time of testing must be submitted a minimum of 5 working days prior to the actual date of the test. The Agency may at its discretion accept notification with shorter advance notice provided that such arrangements do not interfere with the Agency's ability to review the protocol and/or observe testing.

D) Sources utilizing a PTE must demonstrate that this enclosure meets the requirement given in Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, for a PTE during any testing of their control device.

E) Sources utilizing a TTE must demonstrate that their TTE meets the requirements given in Method 204 in appendix M or 40 CFR 51, incorporated by reference in Section 219.112 of this Part, for a TTE during any testing of their control device. The source must also provide documentation that the quality assurance criteria for a TTE have been achieved.

F) Any source utilizing the DQO or LCL protocol must submit the following information to the Agency with each test report:

i) A copy of all test methods, Quality Assurance/Quality Control procedures, and calibration procedures to be used from those described in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part;

ii) A table with information on each sample taken, including the sample identification and the VOM content of the sample;

iii) The quantity of material used for each test run;

iv) The quantity of captured VOM for each test run;

v) The capture efficiency calculations and results for each test run;

vi) The DQO and/or LCL calculations and results; and

vii) The Quality Assurance/Quality Control results, including how often the instruments were calibrated, the calibration results, and the calibration gases used.

d) Control Device Efficiency Testing and Monitoring

1) The control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase VOM concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f) of this Section.

2) An owner or operator:

A) That uses an afterburner or carbon adsorber to comply with any Section of Part 219 shall use Agency and USEPA approved continuous monitoring equipment which is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use except as provided in subsection

(d)(3) of this Section. The continuous monitoring equipment must monitor the following parameters:

i) For each afterburner which does not have a catalyst bed, the combustion chamber temperature of each afterburner.

ii) For each afterburner which has a catalyst bed, commonly known as a catalytic afterburner, the temperature rise across each catalytic afterburner bed or VOM concentration of exhaust.

iii) For each carbon adsorber, the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

B) Must install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring device, such as a strip chart, recorder or computer, having an accuracy of ± 1 percent of the temperature measured, expressed in degrees Celsius or ± 0.5° C, whichever is greater.

C) Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A), shall keep a separate record of the following data for the control devices, unless alternative provisions are set forth in a permit pursuant to Title V of the Clean Air Act:

i) For thermal afterburners for which combustion chamber temperature is monitored, all 3-hour periods of operation in which the average combustion temperature was more than 28° C (50° F) below the average combustion temperature measured during the most recent performance test that demonstrated that the operation was in compliance.

ii) For catalytic afterburners for which temperature rise is monitored, all 3-hour periods of operation in which the average gas temperature before the catalyst bed is more than 28° C (50° F) below the average gas temperature

immediately before the catalyst bed measured during the most recent performance test that demonstrated that the operation was in compliance.

iii) For catalytic afterburners and carbon adsorbers for which VOM concentration is monitored, all 3-hour periods of operation during which the average VOM concentration or the reading of organics in the exhaust gases is more than 20 percent greater than the average exhaust gas concentration or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of a carbon adsorber or performance test for a catalytic afterburner, which determination or test that demonstrated that the operation was in compliance.

3) An owner or operator that uses a carbon adsorber to comply with Section 219.401 of this Part may operate the adsorber during periods of monitoring equipment malfunction, provided that:

A) The owner or operator notifies in writing the Agency and USEPA, within 10 days after the conclusion of any 72 hour period during which the adsorber is operated and the associated monitoring equipment is not operational, of such monitoring equipment failure and provides the duration of the malfunction, a description of the repairs made to the equipment, and the total to date of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational;

B) During such period of malfunction the adsorber is operated using timed sequences as the basis for periodic regeneration of the adsorber;

C) The period of such adsorber operation does not exceed 360 hours in any calendar year without the approval of the Agency and USEPA; and

D) The total of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational shall be reported, in writing, to the Agency and

USEPA by January 31 of the following calendar year.

e) Overall Efficiency

1) The overall efficiency of the emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol as specified in 40 CFR 60.433, incorporated by reference in Section 219.112 of this Part, (and revised by subsection (c)(1)(B) of this Section) for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency used to calculate the product of the capture and control efficiency is the total capture efficiency over the entire line.

2) For coating lines which are both chosen by the owner or operator to comply with Section 219.207(a), (d), (e), (f), ~~or~~ (g), (l), or (m) of this Part by the alternative in Section 219.207(b)(2) of this Part and meet the criteria allowing them to comply with Section 219.207 instead of Section 219.204 of this Part, the overall efficiency of the capture system and control device, as determined by the test methods and procedures specified in subsections (c), (d) and (e)(1) of this Section, shall be no less than the equivalent overall efficiency which shall be calculated by the following equation:

$$E = \frac{VOM_a - VOM_l}{VOM_a} \times 100$$

where:

E = Equivalent overall efficiency of the capture system and control device as a percentage;

VOM_a = Actual VOM content of a coating, or the daily-weighted average VOM content of two or more coatings (if more than one coating is used), as applied to the subject coating line as determined by the applicable test methods and procedures specified in subsection (a)(4)(i) of this Part in units of kg VOM/1 (lb VOM/gal) of coating solids as

applied;

VOM_1 = The VOM emission limit specified in Sections 219.204 or 219.205 of this Part in units of kg VOM/1 (lb VOM/gal) of coating solids as applied.

f) Volatile Organic Material Gas Phase Source Test Methods
The methods in 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part delineated below shall be used to determine control device efficiencies.

1) 40 CFR 60, appendix A, Method 18, 25 or 25A, incorporated by reference in Section 219.112 of this Part as appropriate to the conditions at the site, shall be used to determine VOM concentration. Method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in subsections (f)(1)(A) and (B) below, the test shall consist of three separate runs, each lasting a minimum of 60 min, unless the Agency and the USEPA determine that process variables dictate shorter sampling times.

A) When the method is to be used to determine the efficiency of a carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three separate runs, each coinciding with one or more complete sequences through the adsorption cycles of all the individual adsorber vessels.

B) When the method is to be used to determine the efficiency of a carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three separate runs. Each run shall coincide with one or more complete adsorption cycles.

2) 40 CFR 60, appendix A, Method 1 or 1A, incorporated by reference in Section 219.112 of this Part, shall be used for sample and velocity traverses.

3) 40 CFR 60, appendix A, Method 2, 2A, 2C or 2D, incorporated by

reference in Section 219.112 of this Part, shall be used for velocity and volumetric flow rates.

4) 40 CFR 60, appendix A, Method 3, incorporated by reference in Section 219.112 of this Part, shall be used for gas analysis.

5) 40 CFR 60, appendix A, Method 4, incorporated by reference in Section 219.112 of this Part, shall be used for stack gas moisture.

6) 40 CFR 60, appendix A, Methods 2, 2A, 2C, 2D, 3 and 4, incorporated by reference in Section 219.112 of this Part, shall be performed, as applicable, at least twice during each test run.

7) Use of an adaptation to any of the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section may not be used unless approved by the Agency and the USEPA on a case by case basis. An owner or operator must submit sufficient documentation for the Agency and the USEPA to find that the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.

g) Leak Detection Methods for Volatile Organic Material
Owners or operators required by this Part to carry out a leak detection monitoring program shall comply with the following requirements:

1) Leak Detection Monitoring

A) Monitoring shall comply with 40 CFR 60, appendix A, Method 21, incorporated by reference in Section 219.112 of this Part.

B) The detection instrument shall meet the performance criteria of Method 21.

C) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.

D) Calibration gases shall be:

i) Zero air (less than 10 ppm of hydrocarbon in air); and

ii) A mixture of methane or n-hexane and air at a concentration of approximately, but no less than, 10,000 ppm methane or n-hexane.

E) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.

2) When equipment is tested for compliance with no detectable emissions as required, the test shall comply with the following requirements:

A) The requirements of subsections (g)(1)(A) through (g)(1)(E) of this Section shall apply.

B) The background level shall be determined as set forth in Method 21.

3) Leak detection tests shall be performed consistent with:

A) "APTI Course SI 417 controlling Volatile Organic Compound Emissions from Leaking Process Equipment", EPA-450/2-82-015, incorporated by reference in Section 219.112 of this Part.

B) "Portable Instrument User's Manual for Monitoring VOM Sources", EPA-340/1-86-015, incorporated by reference in Section 219.112 of this Part.

C) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", EPA-450/3-88-010, incorporated by reference in Section 219.112 of this Part.

D) "Petroleum Refinery Enforcement Manual", EPA-340/1-80-008, incorporated by reference in Section 219.112 of this Part.

h) Bulk Gasoline Delivery System Test Protocol

1) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR 60, Subpart XX, section 60.503,

incorporated by reference in Section 219.112 of this Part.

2) Other tests shall be performed consistent with:

A) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", EPA-340/1-80-012, incorporated by reference in Section 219.112 of this Part.

B) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", EPA-450/2-77-026, incorporated by reference in Section 219.112 of this Part.

i) Notwithstanding other requirements of this Part, upon request of the Agency where it is necessary to demonstrate compliance, an owner or operator of an emission unit which is subject to this Part shall, at his own expense, conduct tests in accordance with the applicable test methods and procedures specific in this Part. Nothing in this Section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.

j) Stage II Gasoline Vapor Recovery Test Methods
The methods for determining the acceptable performance of Stage II Gasoline Vapor Recovery System are delineated in "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities," found at EPA 450/3-91-022b and incorporated by reference in Section 219.112 of this Part. Specifically, the test methods are as follows:

1) Dynamic Backpressure Test is a test procedure used to determine the pressure drop (flow resistance) through balance vapor collection and control systems (including nozzles, vapor hoses, swivels, dispenser piping and underground piping) at prescribed flow rates.

2) Pressure Decay/Leak Test is a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities.

3) Liquid Blockage Test is a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: SOLVENT CLEANING

Section 219.187 Other Industrial Solvent Cleaning Operations

a) Applicability. On and after January 1, 2012~~April 1, 2011~~:

1) Except as provided in subsection (a)(2) of this Section, the requirements of this Section shall apply to all cleaning operations that use organic materials at sources that emit a total of 226.8 kg per calendar month (500 lbs per calendar month)~~6.8 kg/day (15 lbs/day)~~ or more of VOM~~ from cleaning operations at the source~~, in the absence of air pollution control equipment, from cleaning operations at the source other than cleaning operations identified in subsection (a)(2) of this Section. For purposes of this Section, "cleaning operation" means the process of cleaning products, product components, tools, equipment, or general work areas during production, repair, maintenance or servicing, including but not limited to spray gun cleaning, spray booth cleaning, large and small manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, and tank cleaning, at sources with emission units;

2) Notwithstanding subsection (a)(1) of this Section:

A) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (d), (e), (f), and (g) of this Section:

i) Cleaning operations subject to the limitations in Sections 219.182, 219.183, or 219.184;

ii) Janitorial cleaning;

iii) Stripping of cured coatings, inks, or adhesives~~, including screen reclamation activities~~;

iv) Cleaning operations in printing pre-press areas, including the cleaning of film processors, color scanners, plate processors, film cleaning, and plate cleaning;

B) Cleaning operations for emission units within the following source categories shall be exempt from the requirements of subsections (b), (c), (d), (e), (f), and (g) of this Section:

~~i)~~ ~~Aerospace coating;~~

i~~i~~) Flexible package printing;

ii~~ii~~) Lithographic printing;

iii~~iv~~) Letterpress printing;

iv~~v~~) Flat wood paneling coating;

v~~vi~~) Large appliance coating;

vi~~vii~~) Metal furniture coating;

vii~~viii~~)Paper, film, and foil coating;

viii~~ix~~) Wood furniture coating;

~~x)~~ ~~Shipbuilding and repair coating;~~

ix~~xi~~) Plastic parts coating;

x~~xii~~) Miscellaneous metal parts coating;

xi~~xiii~~) Fiberglass boat manufacturing;

xii~~xiv~~) Miscellaneous industrial adhesives; and

xiii~~xv~~) Auto and light-duty truck assembly coating;

C) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (f), and (g) of this Section:

i) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;

ii) Cleaning conducted as part of performance laboratory tests on coatings, adhesives, or inks; research and development operations; or laboratory tests in quality assurance laboratories;

iii) Cleaning of paper-based gaskets and clutch assemblies where rubber is bonded to metal by means of an adhesive;

iv) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;

v) Cleaning of medical device and pharmaceutical manufacturing operations if the facility uses~~facilities using~~ no more than 1.5 gallons per day of solvents for such cleaning;

vi) Cleaning of adhesive application equipment used for thin metal laminating;

vii) Cleaning of electronic or electrical cables;

viii) Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached;

ix) Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery products using no more than three gallons per day of ethyl acetate;

x) Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings;

xi) Cleaning of application equipment used to apply solvent-borne fluoropolymer coatings;

xii) Cleaning of ultraviolet or electron beam adhesive application;

xiii) Cleaning of sterilization indicating ink application equipment if the facility uses no more than 1.5 gallons per day of solvents for such cleaning;

xiv) Cleaning of metering rollers, dampening rollers, and printing plates;

xv) Cleaning of numismatic dies; and

xvi) Cleaning operations associated with digital printing.

b) Material and Control Requirements. No owner or operator of a source subject to this Section, other than manufacturers of coatings, inks, adhesives, or resins, shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in subsection (b)(1), (b)(2), or (b)(3). No owner or operator of a source that manufactures coatings, inks, adhesives, or resins shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in at least one of the following subsections: (b)(1), (b)(2), (b)(3), (b)(4), or (b)(5).~~:~~

1) The VOM content of the as-used cleaning solutions does not exceed the following emissions limitations:

A) Product cleaning during manufacturing process or surface preparation for coating, adhesive, or ink application:

		kg/l	lb/gal
i)	Electrical apparatus components and electronic components	0.10	0.83
ii)	Medical device and pharmaceutical manufacturing	0.80	6.7

B) Repair and maintenance cleaning:

		kg/l	lb/gal
i)	Electrical apparatus components	0.10	0.83

		and electronic		
	ii)	Medical device and pharmaceutical manufacturing: tools, equipment, and machinery	0.80	6.7
	iii)	Medical device and pharmaceutical manufacturing: general work surfaces	0.60	5.0
C)	Cleaning of ink application equipment:			
			kg/l	lb/gal
	i)	Rotogravure printing that does not print flexible packaging	0.10	0.83
	ii)	Screen printing, including screen reclamation activities	0.50	4.2
	iii)	Ultraviolet ink and electron beam ink application equipment, except screen printing	0.65	5.4
	iv)	Flexographic printing that does not print flexible packaging	0.10	0.83
			kg/l	lb/gal
D)	Cleaning of equipment used in the manufacture of coatings, inks, adhesives, or resins		0.20	1.67
			kg/l	lb/gal
E)~~D)~~	All other cleaning operations not subject to a specific limitation in subsections (b)(1)(A) through (b)(1)(D~~C~~) of this Section		0.050	0.42

2) The composite vapor pressure of each as-used cleaning solution used does not exceed 8.0 mmHg measured at 20°C (68°F); ~~or~~

3) An afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall, or for sources that manufacture coatings, inks, adhesives, or resins, an afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 80 percent overall and has a 90 percent efficiency. The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if such device reduces VOM emissions from the subject cleaning operation in accordance with the applicable capture and control requirements above~~by at least 85 percent overall~~, the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for such control device, and such plan is approved by the Agency and USEPA within federally enforceable permit conditions;~~.~~

4) For sources that manufacture coatings, inks, adhesives, or resins, the owner or operator complies with the following work practices:

A) Equipment being cleaned is maintained leak-free;

B) VOM-containing cleaning materials are drained from the cleaned equipment upon completion of cleaning;

C) VOM-containing cleaning materials, including waste solvent, are not stored or disposed of in such a manner that will cause or allow evaporation into the atmosphere; and

D) VOM-containing cleaning materials are stored in closed containers;

5) Sources that manufacture coatings, inks, adhesives, or resins may utilize solvents that do not comply with subsection (b)(1) or (b)(2) of this Section provided that all of the following requirements are met:

A) No more than 228 l (60 gal) of fresh solvent is used per calendar month. Solvent that is reused or recycled, either onsite or offsite, for further use in equipment cleaning or in the manufacture of coatings, inks, adhesives, or resins, shall not be included in this limit;

B) Solvents, including cleanup solvents, are collected and stored in closed containers; and

C) Records are maintained in accordance with subsection (e)(6).

c) The owner or operator of a subject source shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in subsection (g) of this Section and by complying with the recordkeeping and reporting requirements specified in subsection (e) of this Section.

d) Operating Requirements. The owner or operator of a source subject to the requirements of this Section shall comply with the following for each subject cleaning operation. Such requirements are in addition to work practices set forth in subsections (b)(4) and (b)(5) of this Section, as applicable:

1) Cover open containers and properly cover and store applicators used to apply cleaning solvents;

2) Minimize air circulation around the cleaning operation;

3) Dispose of all used cleaning solutions, cleaning towels, and applicators used to apply cleaning solvents in closed containers;

4) Utilize equipment practices that minimize emissions;~~.~~

5) When using cleaning solvent for wipe cleaning, sources that manufacture coatings, inks, adhesives, or resins shall:

A) Cover open containers used for the storage of spent or fresh organic compounds used for cleanup or coating, ink, adhesive, or resin removal; and

B) Cover open containers used for the storage or disposal of cloth or paper impregnated with organic compounds that are used for cleanup or coating, ink, adhesive, or resin removal.

e) Recordkeeping and Reporting Requirements

1) The owner or operator of a source exempt from the limitations of this Section because of the criteria in subsection ~~Section 219.187~~(a)(1) of this Section~~Subpart~~ shall comply with the following:

A) By January 1, 2012~~April 1, 2011~~, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

i) A declaration that the source is exempt from the requirements of this Section because of the criteria in subsection ~~Section 219.187~~(a)(1);

ii) Calculations that demonstrate that combined emissions of VOM from cleaning operations at the source, other than cleaning operations identified in subsection (a)(2) of this Section, never equal or exceed 226.8 kg/month (500 lbs/month)~~6.8 kg/day (15 lbs/day)~~, in the absence of air pollution control equipment;

B) On and after January 1, 2012, collect and record the following information each month for each cleaning operation, other than cleaning operations identified in subsection (a)(2) of this Section:

i) The name and identification of each VOM-containing cleaning solution as applied in each cleaning operation;

ii) The VOM content of each cleaning solution as applied in each cleaning operation;

iii) The weight of VOM per volume and the volume of each as-used cleaning solution; and

iv) The total monthly VOM emissions from cleaning operations at the source;

C)~~B)~~ Notify the Agency of any record that shows that the combined emissions of VOM from cleaning operations at the source, other than cleaning operations identified in subsection (a)(2) of this Section, ever equal or exceed 226.8 kg/month (500 lbs/month)~~6.8~~

~~kg/day (15 lbs/day)~~, in the absence of air pollution control equipment, within 30 days after the event occurs.

2) All sources subject to the requirements of this Section shall:

A) By January 1, 2012~~April 1, 2011,~~ or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

i) A declaration that all subject cleaning operations are in compliance with the requirements of this Section;

ii) Identification of each subject cleaning operation and each VOM-containing cleaning solution used as of the date of certification in such operation;

iii) If complying with the emissions control system requirement, what type of emissions control system will be used;

iv) Initial documentation that each subject cleaning operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;

v) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

vi) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in subsection ~~Section 219.187~~(d), and, if applicable, subsection (b)(4); and

vii) A description of each cleaning operation exempt pursuant to subsection ~~Section 219.187~~(a)(2), if any, and a listing of the emission units on which the exempt cleaning operation is performed;

B) At least 30 calendar days before changing the method of compliance between subsections (b)(1), ~~or~~ (b)(2), (b)(4), or (b)(5) and subsection (b)(3) of this Section, notify the Agency in writing of such change. The notification shall include a demonstration of compliance with the newly applicable subsection;

3) All sources complying with this Section pursuant to the requirements of subsection (b)(1) of this Section shall collect and record the following information for each cleaning solution used:

A) For each cleaning solution that is prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution;

iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);

iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

v) The VOM content of the as-used cleaning solution, with supporting calculations; and

vi) A calibration log for the automatic equipment, detailing periodic checks;

B) For each batch of cleaning solution that is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) Date, time of preparation, and each subsequent modification of the batch;

iii) The VOM content of each cleaning solvent in the cleaning solution;

iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are not prepared at the site but are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;

4) All sources complying with this Section pursuant to the requirements of subsection (b)(2) of this Section shall collect and record the following information for each cleaning solution used:

A) The name and identification of each cleaning solution;

B) Date, time of preparation, and each subsequent modification of the batch;

C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;

D) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and

E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;

5) All sources complying with this Section pursuant to the requirements of subsection (b)(3) of this Section shall comply with the following:

A) By January 1, 2012~~April 1, 2011~~, or upon initial start-up of the source, whichever is later, and upon initial start-up of a new emissions control system, include in the certification required by subsection (e)(3) of this Section a declaration that the monitoring equipment required under subsection ~~Section 219.187~~(f) of this Section~~Subpart~~ has been properly installed and calibrated according to manufacturer's specifications;

B) If testing of an emissions control system is conducted pursuant to subsection ~~Section 219.187~~(g) of this Section~~Subpart~~, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

i) A declaration that all tests and calculations necessary to demonstrate compliance with subsection ~~Section 219.187~~(b)(3) of this Section~~Subpart~~ have been properly performed;

ii) A statement whether the subject cleaning operation is or is not in compliance with subsection ~~Section 219.187~~(b)(3) of this Section~~Subpart~~; ~~and~~

iii) The operating parameters of the emissions control system during testing, as monitored in accordance with subsection ~~Section 219.187~~(f) of this Section~~Subpart~~;

C) Collect and record daily the following information for each cleaning operation subject to the requirements of subsection ~~Section 219.187~~(b)(3) of this Section~~Subpart~~:

i) Emissions control system monitoring data in accordance with subsection ~~Section 219.187~~(f) of this Section~~Subpart~~, as applicable;

ii) A log of operating time for the emissions control system, monitoring equipment, and associated cleaning equipment;

iii) A maintenance log for the emissions control system and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;

D) Maintain records documenting the use of good operating practices consistent with the equipment manufacturer's specifications for the cleaning equipment being used and the emissions control system equipment. At a minimum, these records shall include:

i) Records for periodic inspection of the cleaning equipment and emissions control system equipment with date of inspection, individual performing the inspection, and nature of inspection;

ii) Records for repair of malfunctions and breakdowns with identification and description of incident, date identified, date repaired, nature of repair, and the amount of VOM released into the atmosphere as a result of the incident;

6) All sources complying with this Section pursuant to the requirements of subsection (b)(5) of this Section shall collect and record monthly the following information for each cleaning operation subject to the requirements of subsection (b)(5) of this Section:

A) The name, identification, and volume of each VOM-containing cleaning solution as applied in each cleaning operation;

B) The volume of each fresh cleaning solvent used for cleaning coating, ink, adhesive, or resin manufacturing equipment;

C) The volume of cleaning solvent recovered for either offsite or onsite reuse or recycling for further use in the cleaning of coating, ink, adhesive, or resin manufacturing equipment;

7) The owner or operator of a source with cleaning operations subject to one or more of the exclusions set forth in subsection (a)(2)(C)(v) or (a)(2)(C)(xiii), including sources exempt from the limitations of this Section because of the criteria in subsection (a)(1), shall:

A) By January 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes a declaration that the source has cleaning operations subject to one or more of the exclusions set forth in subsection (a)(2)(C)(v) or (a)(2)(C)(xiii), and a statement identifying each such cleaning operation and the exclusion applicable to each cleaning operation;

B) Collect and record the name, identification, and volume of each cleaning solvent as applied each day in each cleaning operation subject to one or more of the exclusions set forth in subsection (a)(2)(C)(v) or (a)(2)(C)(xiii); and

C) Notify the Agency in writing if the amount of cleaning solvent used in the cleaning of medical device and pharmaceutical manufacturing operations or of sterilization indicating ink application equipment at the source ever exceeds 1.5 gallons per day, within 30 days after the exceedance occurs;

8)~~6)~~ All sources subject to the requirements of subsections (b) and (d) of this Section shall notify the Agency of any violation of subsection (b) or (d) by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation;

9)~~7)~~ All records required by this subsection (e) shall be retained by the source for at least three years and shall be made available to the Agency upon request.

f) Monitoring Requirements

1) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to subsection~~Section 219.187~~(b)(3) of this Section~~Subpart~~ shall:

A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and

B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor;

2) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to subsection ~~Section 219.187~~(b)(3) of this Section~~Subpart~~ shall install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to subsection ~~Section 219.187~~(b)(3).

g) Testing Requirements

1) Testing to demonstrate compliance with the requirements of this Section shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Section. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during the testing;

2) Testing to demonstrate compliance with the VOM content limitations in subsection ~~Section 219.187~~(b)(1) of this Section~~Subpart~~, and to determine the VOM content of cleaning solvents and cleaning solutions, shall be conducted as follows:

A) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method

24, incorporated by reference in Section 219.112 of this Part, shall be used to demonstrate compliance; or

B) The manufacturer's specifications for VOM content for cleaning solvents may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance. In the event of any inconsistency between a Method 24 test and the manufacturer's specifications, the Method 24 test shall govern;

3) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;

4) For afterburners and carbon adsorbers, the methods and procedures of Section 219.105(d) through (f) shall be used for testing to demonstrate compliance with the requirements of subsection ~~Section 219.187~~(b)(3) of this Section~~Subpart~~, as follows:

A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;

B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;

C) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

i) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;

ii) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

iii) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates;

5) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of subsection ~~Section 219.187~~(b)(3) of this Section~~Subpart~~ as set forth in the owner's or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to subsection ~~Section 219.187~~(b)(3)~~ of this Subpart~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: COATING OPERATIONS

Section 219.204 Emission Limitations

Except as provided in Sections 219.205, 219.207, 219.208, 219.212, 219.215 and 219.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as otherwise provided in subsections (a), (c), (g), (h), (j), (l), (n), (o), and (q) of this Section, compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(c) of this Subpart except where noted. (Note: The equation presented in Section 219.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.) The emission limitations are as follows:

a)	Automobile or Light-Duty Truck Coating		kg/l	lb/gal
	1)	Prior to May 1, 2012:		
		A) Prime coat	0.14	(1.2)
			0.14*	(1.2)*
		B) Primer surface coat	1.81	(15.1)
			1.81*	(15.1)*

BOARD NOTE: The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surface operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surface limitation.)

		C) Topcoat	kg/l	lb/gal

1.81	(15.1)
1.81*	(15.1)*

BOARD NOTE: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 of this Part does not apply to the topcoat limitation.)

D)	Final repair coat	kg/l	lb/gal
		0.58	(4.8)
		0.58*	(4.8)*

2) On and after May 1, 2012, subject automobile and light-duty truck coating lines shall comply with the following limitations. These limitations shall not apply to materials supplied in containers with a net volume of 0.47 liters (16 oz) or less, or a net weight of 0.45 kg (1 lb) or less:

A) Electrodeposition primer (EDP) operations. For purposes of this subsection (a)(2)(A), "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.

		kg VOM/l coating solids applied	lb VOM/gal coating solids applied
i)	When solids turnover ratio (R_T) is greater than or equal to 0.160	0.084	(0.7)

ii)	When R_T is greater than or equal to 0.040 and less than 0.160	$0.084 \times 350^{0.160-R_T}$	$(0.084 \times 350^{0.160-R_T} \times 8.34)$

B) Primer surfacer operations

		kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
i)	VOM content limitation	1.44	(12.0)

ii) Compliance with the limitation set forth in subsection (a)(2)(B)(i) shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surfacer limitation.

C) Topcoat operations

		kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
i)	VOM content limitation	1.44	(12.0)

ii) Compliance with the limitation set forth in subsection (a)(2)(C)(i) shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f).

Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the topcoat limitation.

D) Combined primer surfacer and topcoat operations

		kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
i)	VOM content limitation	1.44	(12.0)

ii) Compliance with the limitation set forth in subsection (a)(2)(D)(i) shall be based on the daily-weighted average from the combined primer surfacer and topcoat operations. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the combined primer surfacer and topcoat limitation.

E) Final repair coat operations

		kg/l coatings	lb/gal coatings
i)	VOM content limitation	0.58	(4.8)

ii) Compliance with the final repair operations limitation set forth in subsection (a)(2)(E)(i) shall be on an occurrence-weighted average basis, calculated in accordance with the equation below, in which clear coatings shall have a weighting factor of 2 and all other coatings shall have a

weighting factor of 1. For purposes of this subsection (a)(2)(E)(ii), an "occurrence" is the application of the combination of coatings that constitute a final repair coat for a single automobile or light-duty truck. Section 219.205 does not apply to the final repair coat limitation.

$$VOM_{tot} = \frac{2VOM_{cc} + \sum_{i=1}^{n} VOM_i}{n+2}$$

where:

VOM_{tot} = Total VOM content of all coatings, as applied, on an occurrence weighted average basis, and used to determine compliance with this subsection (a)(2)(E).

i = Subscript denoting a specific coating applied.

n = Total number of coatings applied in the final repair operation, other than clear coatings.

VOM_{cc} = The VOM content, as applied, of the clear coat used in the final repair operation.

VOM_i = The VOM content of each coating used in the final repair operation, as applied, other than clear coatings.

F) Miscellaneous Materials. For reactive adhesives subject to this subsection (a)(2)(F), compliance shall be demonstrated in accordance with the methods and procedures set forth in appendix A to Subpart PPPP of 40 CFR 63, incorporated by reference in Section 219.112 of this Part.

		kg/l	lb/gal
i)	Glass bonding primer	0.90	(7.51)
ii)	Adhesive	0.25	(2.09)

iii)	Cavity wax	0.65	(5.42)
iv)	Trunk sealer	0.65	(5.42)
v)	Deadener	0.65	(5.42)
vi)	Gasket/gasket sealing material	0.20	(1.67)
vii)	Underbody coating	0.65	(5.42)
viii)	Trunk interior coating	0.65	(5.42)
ix)	Bedliner	0.20	(1.67)
x)	Weatherstrip adhesive	0.75	(6.26)
xi)	Lubricating wax/compound	0.70	(5.84)

b)	Can Coating	kg/l	lb/gal
1)	Sheet basecoat and overvarnish		
	A) Sheet basecoat	0.34 0.26*	(2.8) (2.2)*
	B) Overvarnish	0.34 0.34	(2.8) (2.8)*
2)	Exterior basecoat and overvarnish	0.34 0.25*	(2.8) (2.1)*
3)	Interior body spray coat		
	A) Two piece	0.51 0.44*	(4.2) (3.7)*
	B) Three piece	0.51 0.51*	(4.2) (4.2)*

4)	Exterior end coat	0.51 0.51*	(4.2) (4.2)*
5)	Side seam spray coat	0.66 0.66*	(5.5) (5.5)*
6)	End sealing compound coat	0.44 0.44*	(3.7) (3.7)*

c) Paper Coating

1)	Prior to May 1, 2011:	kg/l 0.28	lb/gal (2.3)
2)	On and after May 1, 2011:	kg VOM/kg (lb VOM/lb) solids applied	kg VOM/kg (lb VOM/lb) coatings applied
	A) Pressure sensitive tape and label surface coatings	0.20	(0.067)
	B) All other paper coatings	0.40	(0.08)

3) The paper coating limitation set forth in this subsection (c) shall not apply to any owner or operator of any paper coating line on which flexographic, rotogravure, lithographic, or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part. On and after May 1, 2011, the paper coating limitation shall also not apply to coating performed on or in-line with any digital printing press, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.

d)	Coil Coating	kg/l 0.31 0.20*	lb/gal (2.6) (1.7)*
e)	Fabric Coating	0.35	(2.9)

			0.28*	(2.3)*
f)	Vinyl Coating		0.45 0.28*	(3.8) (2.3)*
g)	Metal Furniture Coating			
	1)	Prior to May 1, 2011:	kg/l	lb/gal
		A) Air dried	0.34	(2.8)
		B) Baked	0.28	(2.3)
	2)	On and after May 1, 2011:	kg/l (lb/gal)	kg/l (lb/gal) solids applied
		A) General, One Component	0.275 (2.3)	0.40 (3.3)
		B) General, Multi-Component		
		i) Air dried	0.340 (2.8)	0.55 (4.5)
		ii) Baked	0.360 (3.0)	0.61 (5.1)
		C) Extreme High Gloss		
		i) Air dried	0.340 (2.8)	0.55 (4.5)
		ii) Baked	0.360 (3.0)	0.61 (5.1)
		D) Extreme Performance		
		i) Air dried	0.420 (3.5)	0.80 (6.7)
		ii) Baked	0.360 (3.0)	0.61 (5.1)
		E) Heat Resistant		

	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)

3) On and after May 1, 2011, the limitations set forth in this subsection (g) shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

h) Large Appliance Coating

1)	Prior to May 1, 2011:	kg/l	lb/gal
	A) Air dried	0.34	(2.8)
	B) Baked	0.28	(2.3)
2)	On and after May 1, 2011:	kg/l (lb/gal)	kg/l (lb/gal) solids applied
	A) General, One Component	0.275 (2.3)	0.40 (3.3)
	B) General, Multi-Component		
	i) Air dried	0.340	0.55

		(2.8)	(4.5)
	ii) Baked	0.275 (2.3)	0.40 (3.3)
C)	Extreme High Gloss		
	i) Air dried	0.340 (2.8)	0.55 (4.5)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
D)	Extreme Performance		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
E)	Heat Resistant		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360	0.61

3) The limitations set forth in this subsection (h) shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 1 (1 quart) in any one rolling eight-hour period. On and after May 1, 2011, these limitations shall also not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

		kg/l	lb/gal
i)	Magnet Wire Coating	0.20	(1.7)
		0.20*	(1.7)*
j)	Prior to May 1, 2012: Miscellaneous Metal Parts and Products Coating		
	1) Clear coating	0.52	(4.3)
		0.52*	(4.3)*
	2) Extreme performance coating		
	A) Air dried	0.42	(3.5)
		0.42*	(3.5)*
	B) Baked	0.42	(3.5)
		0.40*	(3.3)*
	3) Steel pail and drum interior coating	0.52	(4.3)
		0.52*	(4.3)*
	4) All other coatings		
	A) Air dried	0.42	(3.5)
		0.40*	(3.3)*
	B) Baked	0.36	(3.0)
		0.34*	(2.8)*
	5) Metallic Coating		
	A) Air dried	0.42	(3.5)

		0.42*	(3.5)*
B)	Baked	0.36	(3.0)
		0.36	(3.0)*

6) For purposes of subsection (j)(5) of this Section, "metallic coating" means a coating which contains more than ¼ lb/gal of metal particles, as applied.

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

k) Heavy Off-Highway Vehicle Products Coating

		kg/l	lb/gal
1)	Extreme performance prime coat	0.42	(3.5)
		0.42*	(3.5)*
2)	Extreme performance topcoat (air dried)	0.42	(3.5)
		0.42*	(3.5)*
3)	Final repair coat (air dried)	0.42	(3.5)
		0.42*	(3.5)*

4) All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j).

l) Wood Furniture Coating

1) Limitations before March 15, 1998:

		kg/l	lb/gal
A)	Clear topcoat	0.67	(5.6)
B)	Opaque stain	0.56	(4.7)
C)	Pigmented coat	0.60	(5.0)
D)	Repair coat	0.67	(5.6)
E)	Sealer	0.67	(5.6)
F)	Semi-transparent stain	0.79	(6.6)

G)	Wash coat	0.73	(6.1)

BOARD NOTE: Prior to March 15, 1998, an owner or operator of a wood furniture coating operation subject to this Section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.)

2) On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections (l)(2)(A) through (E):

			kg VOM/kg solids	lb VOM/lb solids
A)	Topcoat		0.8	(0.8)
B)	Sealers and topcoats with the following limits:			
	i)	Sealer other than acid-cured alkyd amino vinyl sealer	1.9	(1.9)
	ii)	Topcoat other than acid-cured alkyd amino conversion varnish topcoat	1.8	(1.8)
	iii)	Acid-cured alkyd amino vinyl sealer	2.3	(2.3)
	iv)	Acid-cured alkyd amino conversion varnish topcoat	2.0	(2.0)

C) Meet the provisions of Section 219.215 of this Subpart for use of an averaging approach;

D) Achieve a reduction in emissions equivalent to the requirements of subsection (l)(2)(A) or (B) of this Section, as calculated using Section 219.216 of this Subpart; or

E) Use a combination of the methods specified in subsections (l)(2)(A) through (D) of this Section.

3) Other wood furniture coating limitations on and after March 15, 1998:

		kg/l	lb/gal
A)	Opaque stain	0.56	(4.7)
B)	Non-topcoat pigmented coat	0.60	(5.0)
C)	Repair coat	0.67	(5.6)
D)	Semi-transparent stain	0.79	(6.6)
E)	Wash coat	0.73	(6.1)

4) Other wood furniture coating requirements on and after March 15, 1998:

A) No source subject to the limitations of subsection (l)(2) or (3) of this Section and utilizing one or more wood furniture coating spray booths shall use strippable spray booth coatings containing more than 0.8 kg VOM/kg solids (0.8 lb VOM/lb solids), as applied.

B) Any source subject to the limitations of subsection (l)(2) or (3) of this Section shall comply with the requirements of Section 219.217 of this Subpart.

C) Any source subject to the limitations of subsection (l)(2)(A) or (B) of this Section and utilizing one or more continuous coaters, shall for each continuous coater, use an initial coating which complies with the limitations of subsection (l)(2)(A) or (B) of this Section. The viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:

i) Monitor the viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time solvent is added;

ii) Collect and record the reservoir viscosity and the amount and weight of VOM per weight of solids of coating and solvent each time coating or solvent is added; and

iii) Maintain these records at the source for a period of three years.

m)	Prior to May 1, 2012: Plastic Parts Coating: Automotive/Transportation		kg/l	lb/gal
	1)	Interiors		
		A) Baked		
		i) Color coat	0.49*	(4.1)*
		ii) Primer	0.46*	(3.8)*
		B) Air dried		
		i) Color coat	0.38*	(3.2)*
		ii) Primer	0.42*	(3.5)*
	2)	Exteriors (flexible and non-flexible)		
		A) Baked		
		i) Primer	0.60*	(5.0)*
		ii) Primer non-flexible	0.54*	(4.5)*
		iii) Clear coat	0.52*	(4.3)*
		iv) Color coat	0.55*	(4.6)*
		B) Air dried		

		i) Primer	0.66*	(5.5)*
		ii) Clear coat	0.54*	(4.5)*
		iii) Color coat (red & black)	0.67*	(5.6)*
		iv) Color coat (others)	0.61*	(5.1)*
	3)	Specialty		
		A) Vacuum metallizing basecoats, texture basecoats	0.66*	(5.5)*
		B) Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings	0.71*	(5.9)*
		C) Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.77*	(6.4)*
		D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings	0.82*	(6.8)*
		E) Head lamp lens coatings	0.89*	(7.4)*

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

			kg/l	lb/gal
n)	Prior to May 1, 2012: Plastic Parts Coating: Business Machine			
	1)	Primer	0.14*	(1.2)*
	2)	Color coat (non-texture coat)	0.28*	(2.3)*
	3)	Color coat (texture coat)	0.28*	(2.3)*
	4)	Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings	0.48*	(4.0)*
	5)	Specialty Coatings		

A)	Soft coat	0.52*	(4.3)*
B)	Plating resist	0.71*	(5.9)*
C)	Plating sensitizer	0.85*	(7.1)*

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

o) Flat Wood Paneling Coatings. On and after August 1, 2010, flat wood paneling coatings shall comply with one of the following limitations:

1) 0.25 kg VOM/l of coatings (2.1 lb VOM/gal coatings); or

2) 0.35 kg VOM/l solids (2.9 lb VOM/gal solids).

BOARD NOTE: The Board has omitted subsection (p) and adopted a subsection (q) in order to preserve consistent labeling with similar requirements in 35 Ill. Adm. Code 218.

q) Miscellaneous Metal Parts and Products Coatings and Plastic Parts and Products Coatings On and After May 1, 2012. On and after May 1, 2012, the owner or operator of a miscellaneous metal or plastic parts coating line shall comply with the limitations in this subsection (q). The limitations in this subsection (q) shall not apply to aerosol coating products, powder coatings, or primer sealants and ejection cartridge sealants used in ammunition manufacturing. Primer sealants and ejection cartridge sealants shall instead be regulated under Subpart TT of this Part.

1) Metal Parts and Products. For purposes of this subsection (q)(1), "corrosion resistant basecoat" means a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance. ~~Also for purposes of this subsection (q)(1), "marine engine coating" means any extreme performance protective, decorative, or functional coating applied to an engine that is used to propel watercraft.~~ The limitations in this subsection (q)(1) shall not apply to stencil coats, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, magnetic data storage disk coatings, and plastic extruded onto metal parts to form a coating. The limitations in Section 219.219, however, shall apply to these coatings unless specifically excluded in Section 219.219.

		kg VOM/l coating solids applied	lb VOM/gal coating solids applied
A)	General one component coating		
	i) Air dried	0.34 (2.8)	0.54 (4.52)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
B)	General multi-component coating		
	i) Air dried	0.34 (2.8)	0.54 (4.52)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
C)	Camouflage coating	0.42 (3.5)	0.80 (6.67)
D)	Electric-insulating varnish	0.42 (3.5)	0.80 (6.67)
E)	Etching filler	0.42 (3.5)	0.80 (6.67)
F)	Extreme high-gloss coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)

G)	Extreme performance coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
H)	Heat-resistant coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
I)	High performance architectural coating	0.42~~74~~ (3.5~~6.2~~)	0.80~~4.56~~ (6.67~~38.0~~)
J)	High temperature coating	0.42 (3.5)	0.80 (6.67)
K)	Metallic coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
L)	Military specification coating		
	i) Air dried	0.34 (2.8)	0.54 (4.52)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
M)	Mold-seal coating	0.42	0.80

		(3.5)	(6.67)
N)	Pan backing coating	0.42 (3.5)	0.80 (6.67)
O)	Prefabricated architectural coating: multi-component		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
P)	Prefabricated architectural coating: one-component		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
Q)	Pretreatment coating	0.42 (3.5)	0.80 (6.67)
R)	Repair coats and touch-up coatings		
	i) Air dried	0.42 (3.5)	
	ii) Baked	0.36 (3.01)	
S)	Silicone release coating	0.42 (3.5)	0.80 (6.67)
T)	Solar-absorbent coating		

	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
U)	Vacuum-metalizing coating	0.42 (3.5)	0.80 (6.67)
V)	Drum coating, new, exterior	0.34 (2.8)	0.54 (4.52)
W)	Drum coating, new, interior	0.42 (3.5)	0.80 (6.67)
X)	Drum coating, reconditioned, exterior	0.42 (3.5)	0.80 (6.67)
Y)	Drum coating, reconditioned, interior	0.50 (4.2)	1.17 (9.78)
~~Z)~~	~~Steel pail and drum interior coating~~	~~0.52 (4.3)~~	~~1.24 (10.34)~~
~~AA)~~	~~Marine engine coating~~		
	~~i) Air dried~~	~~0.42 (3.5)~~	~~0.80 (6.67)~~
	~~ii) Baked: primer/topcoat~~	~~0.42 (3.5)~~	~~0.80 (6.67)~~
	~~iii) Baked: corrosion resistant basecoat~~	~~0.28 (2.3)~~	~~0.40 (3.35)~~
	~~iv) Clear coating~~	~~0.52 (4.3)~~	~~1.24 (10.34)~~
Z~~BB~~)	Ammunition sealants		

i)	Air dried	0.42 (3.5)	0.80 (6.67)
ii)	Baked	0.36 (3.0)	0.61 (5.06)

AA~~CC~~) Electrical switchgear compartment coatings

i)	Air dried	0.42 (3.5)	0.80 (6.67)
ii)	Baked	0.36 (3.0)	0.61 (5.06)

BB~~DD~~) All other coatings

i)	Air dried	0.40 (3.3)	0.73 (5.98)
ii)	Baked: primer/topcoat	0.34 (2.8)	0.54 (4.52)

2) Plastic Parts and Products: Miscellaneous. For purposes of this subsection (q)(2), miscellaneous plastic parts and products are plastic parts and products that are not subject to subsection (q)(3), (q)(4), (q)(5), or (q)(6) of this Section. The limitations in subsection (q)(2) shall not apply to touch-up and repair coatings; stencil coats applied on clear or transparent substrates; clear or translucent coatings; coatings applied at a paint manufacturing facility while conducting performance tests on the coatings; any individual coating category used in volumes less than 189.2 liters (50 gallons) in any one calendar year, if the total usage of all such coatings does not exceed 756.9 liters (200 gallons) per calendar year per source and substitute compliant coatings are not available; reflective coatings applied to highway cones; mask coatings that are less than 0.5 mm thick (dried) if the area coated is less than 25 square inches; electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings; and heparin-benzalkonium chloride (HBAC)-containing coatings applied

to medical devices if the total usage of all such coatings does not exceed 378.4 liters (100 gallons) per calendar year per source. The limitations in Section 219.219, however, shall apply to such coatings unless specifically excluded in Section 219.219.)

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	General one component coating	0.28 (2.3)	0.40 (3.35)
B)	General multi-component	0.42 (3.5)	0.80 (6.67)
C)	Electric dissipating coatings and shock-free coatings	0.80 (6.7)	8.96 (74.7)
D)	Extreme performance (2-pack coatings)	0.42 (3.5)	0.80 (6.67)
E)	Metallic coating	0.42 (3.5)	0.80 (6.67)
F)	Military specification coating		
	i) 1-pack coatings	0.28 (2.3)	0.54 (4.52)
	ii) 2-pack coatings	0.42 (3.5)	0.80 (6.67)
G)	Mold-seal coating	0.76 (6.3)	5.24 (43.7)
H)	Multi-colored coating	0.68 (5.7)	3.04 (25.3)
I)	Optical coating	0.80	8.96

		(6.7)	(74.7)
J)	Vacuum-metalizing coating	0.80 (6.7)	8.96 (74.7)

3) Plastic Parts and Products Automotive/Transportation

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	High bake coatings − interior and exterior parts		
i)	Flexible primer	0.54 (4.5)	1.39 (11.58)
ii)	Non-flexible primer	0.42 (3.5)	0.80 (6.67)
iii)	Basecoats	0.52 (4.3)	1.24 (10.34)
iv)	Clear coat	0.48 (4.0)	1.05 (8.76)
v)	Non-basecoat/clear coat	0.52 (4.3)	1.24 (10.34)
B)	Low bake/air dried coatings − exterior parts		
i)	Primers	0.58 (4.8)	1.66 (13.80)
ii)	Basecoat	0.60 (5.0)	1.87 (15.59)

iii)	Clear coats	0.54 (4.5)	1.39 (11.58)
iv)	Non-basecoat/clear coat	0.60 (5.0)	1.87 (15.59)
C)	Low bake/air dried coatings − interior parts		
i)	Color coat	0.38 (3.2)	0.67 (5.66)
ii)	Primer	0.42 (3.5)	0.80 (6.67)
D)	Touchup and repair coatings	0.62 (5.2)	2.13 (17.72)
E)	Specialty		
i)	Vacuum metallizing basecoats, texture basecoats	0.66 (5.5)	2.62 (21.8)
~~ii)~~	~~Reflective argent coatings, air bag cover coatings, and soft coatings~~	~~0.71~~ ~~(5.9)~~	~~3.64~~ ~~(29.7)~~
i~~iii~~)	Vacuum~~Gloss reducers, vacuum~~ metallizing topcoats~~, and texture topcoats~~	0.77 (6.4)	6.06 (49.1)
~~iv)~~	~~Stencil coats, adhesion primers, ink pad coatings, electrostatic prep coats, and resist coats~~	~~0.82~~ ~~(6.8)~~	~~(11.67)~~ ~~(89.4)~~
~~v)~~	~~Head lamp lens coating~~	~~0.89~~ ~~(7.4)~~	

F) Red, yellow, and black coatings: Subject coating lines shall comply with a limit determined by multiplying the appropriate limit in subsections (q)(3)(A) through (q)(3)(C~~E~~) of this Section by 1.15.

4) Plastic Parts and Products: Business Machine. The limitations of this subsection (q)(4) shall not apply to vacuum metallizing coatings, gloss reducers, texture topcoats, adhesion primers, electrostatic preparation coatings, stencil coats, and resist coats other than plating resist coats. The limitations in Section 219.219, however, shall apply to such coatings unless specifically excluded in Section 219.219.

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	Primers	0.35~~14~~ (2.9~~1.2~~)	0.57~~17~~ (4.80~~1.4~~)
B)	Topcoat	0.35 (2.9)	0.57 (4.80)
C)	Color coat (texture coat)	0.28 (2.3)	0.40 (4.80)
D)	Color coat (non-texture coat)	0.28 (2.3)	0.40 (4.80)
E)	Texture coats other than color texture coats	0.35 (2.9)	0.57 (4.80)
F)	EMI/RFI shielding coatings	0.48 (4.0)	1.05 (8.76)
G)	Fog coat	0.26 (2.2)	0.38 (3.14)
H)	Touchup and repair	0.35 (2.9)	0.57 (4.80)

~~I)~~ ~~Specialty coatings~~

~~i)~~	~~Soft coat~~	~~0.52 (4.3)~~	~~1.24 (10.34)~~
~~ii)~~	~~Plating resist~~	~~0.71 (5.9)~~	~~3.64 (29.7)~~
~~iii)~~	~~Plating sensitizer~~	~~0.85 (7.1)~~	~~(23.4) (201.0)~~

5) Pleasure Craft Surface Coatings

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	Extreme high gloss coating − topcoat	0.49 (4.1)	1.10 (9.2)
B)	High gloss coating − topcoat	0.42 (3.5)	0.80 (6.7)
C)	Pretreatment wash primer	0.78 (6.5)	6.67 (55.6)
D)	Finish primer surfacer	0.42 (3.5)	0.80 (6.7)
E)	High build primer/surfacer	0.34 (2.8)	0.55 (4.6)
F)	Aluminum substrate antifoulant coating	0.56 (4.7)	1.53 (12.8)
G)	Other substrate antifoulant coating	0.33 (2.8)	0.53 (4.4)
H)	All other pleasure craft surface coatings for metal or plastic	0.42 (3.5)	0.80 (6.7)

6) Motor Vehicle Materials

		kg/l (lb/gal) coatings
A)	Cavity wax	0.65 (5.42)
B)	Sealer	0.65 (5.42)
C)	Deadener	0.65 (5.42)
D)	Gasket/gasket sealing material	0.20 (1.67)
E)	Underbody coating	0.65 (5.42)
F)	Trunk interior coating	0.65 (5.42)
G)	Bedliner	0.20 (1.67)
H)	Lubricating wax/compound	0.70 (5.84)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.207 Alternative Emission Limitations

a) Any owner or operator of a coating line subject to Section 219.204 of this Subpart, except coating lines subject to Section 219.204(q)(6), may comply with this Section, rather than with Section 219.204 of this Subpart, if a capture system and control device are operated at all times the coating line is in operation and the owner or operator demonstrates compliance with subsection (c), (d), (e), (f), (g),

(h), (i), (j), (k), (l), or (m) of this Section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in Section 219.105 of this Part and the recordkeeping and reporting requirements specified in Section 219.211(e) of this Subpart; and the control device is equipped with the applicable monitoring equipment specified in Section 219.105(d) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. A capture system and control device, which does not demonstrate compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m) of this Section may be used as an alternative to compliance with Section 219.204 of this Subpart only if the alternative is approved by the Agency and approved by the USEPA as a SIP revision. The owner or operator of a pleasure craft surface coating operation subject to Section 219.204(q)(5)(A) through (G) of this Subpart may also comply with subsection (n) of this Section, rather than with Section 219.204 of this Subpart.

b) Alternative Add-On Control Methodologies

1) The coating line is equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency; or

2) The system used to control VOM from the coating line is demonstrated to have an overall efficiency sufficient to limit VOM emissions to no more than what is allowed under Section 219.204 of this Subpart. Use of any control system other than an afterburner, carbon adsorption, condensation, or absorption scrubber system can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. The use of transfer efficiency credits can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. Baseline transfer efficiencies and transfer efficiency test methods must be approved by the Agency and the USEPA. Such overall efficiency is to be determined as follows:

A) Obtain the emission limitation from the appropriate subsection in Section 219.204 of this Subpart;

B) Unless complying with an emission limitation in Section 219.204 that is already expressed in terms of weight of VOM per volume of solids, calculate "S" according to the equation in Section 219.206

of this Subpart. For coating lines subject to an emission limitation in Section 219.204 that is already expressed in terms of weight of VOM per volume of solids, "S" is equal to such emission limitation;

C) Calculate the overall efficiency required according to Section 219.105(e) of this Part. For the purposes of calculating this value, according to the equation in Section 219.105(e)(2) of this Part, VOM_1 is equal to the value of "S" as determined in subsection (b)(2)(B) of this Section. If the coating line is subject to~~complying with~~ an emission limitation in Section 219.204 of this Subpart that is already expressed in terms of weight of VOM per volume of solids, VOM_1 is equal to that emission limitation.

c) No owner or operator of a coating line subject to only one of the emission limitations from among Section 219.204(a)(1)(A), (a)(1)(D), (a)(2)(A),(a)(2)(E), (a)(2)(F), (c)(1), (d), (e), (f), or (i) of this Subpart and equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. No owner or operator of a coating line subject to Section 219.204(a)(1)(B) (a) (1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with such limitation in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) or (b)(1)(B), as applicable.

d) No owner or operator of a miscellaneous metal parts and products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(j) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

e) No owner or operator of a heavy off-highway vehicle products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(k) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section

are met.

f) No owner or operator of a wood furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(l) of this Subpart (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. If compliance is achieved by meeting the requirements in subsection (b)(2) of this Section, then the provisions in the note to Section 219.204(l) of this Subpart must also be met.

g) No owner or operator of a can coating line equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (g)(1) or (g)(2) of this Section are met.

1) An alternative daily emission limitation for the can coating operation, i.e., for all of the can coating lines at the source, shall be determined according to Section 219.205(c)(2) of this Subpart. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation:

$$E_d = \sum_{i=1}^{n} V_i C_i (1 - F_i)$$

where:

E_d = Actual VOM emissions for the day in units of kg/day (lbs/day);

i = Subscript denoting the specific coating applied;

n = Total number of surface coatings as applied in the can coating operation;

V_i = Volume of each coating as applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);

C_i = The VOM content of each coating as applied in units of kg

VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and

F_i = Fraction, by weight, of VOM emissions from the surface coating, reduced or prevented from being emitted to the ambient air. This is the overall efficiency of the capture system and control device.

2) The coating line is equipped with a capture system and control device that provide 75 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency.

h) No owner or operator of a plastic parts coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(m) or (n) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

i) Prior to May 1, 2011, no owner or operator of a metal furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(g) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

j) Prior to May 1, 2011, no owner or operator of a large appliance coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(h) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

k) On and after May 1, 2011, no owner or operator of a paper coating line, metal furniture coating line, or large appliance coating line that is equipped with a

capture system and control device shall operate the subject coating line unless either:

1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or

2) The owner or operator complies with the applicable limitation set forth in Section 219.204 of this Subpart by utilizing a combination of low-VOM coatings and a capture system and control device.

l) No owner or operator of a flat wood paneling coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:

1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or

2) The owner or operator of the flat wood paneling coating line complies with all requirements set forth in subsection (b)(2) of this Section.

m) On and after May 1, 2011, no owner or operator of a miscellaneous metal parts and products coating line, plastic parts and products coating line, or pleasure craft surface coating line that is equipped with a capture system and control device shall operate the subject coating line unless:

1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or

2) The owner or operator of the coating line complies with all requirements set forth in subsection (b)(2) of this Section.

n) Emissions Averaging Alternative for Pleasure Craft Surface Coating Operations. The owner or operator of a source with coating operations subject to the requirements of Section 219.204(q)(5)(A) through (G) may elect to include such operations in the emissions averaging alternative. Coating operations utilizing this alternative shall comply with a source-specific VOM emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. Subject coating operations that do not utilize the emissions averaging alternative and coating operations subject to Section 219.204(q)(5)(H), shall comply with the

requirements in Section 219.204(q)(5) or 219.205, or subsection (m) of this Section, as applicable, as well as with all other applicable requirements in this Subpart.

1) The total actual VOM emissions determined by Equation 2 shall be equal to or less than the total allowable VOM emissions determined by Equation 1. The owner or operator of a source subject to this subsection (n) shall use Equation 1 to determine the total allowable source-specific VOM mass emission limit for pleasure craft coatings included in this emissions average:

Equation 1:

$$VOM_{Allowable} = \sum_{i=A}^{G} LIM_i V_i$$

where:

$VOM_{Allowable}$ = Total allowable mass of VOM that can be emitted from the pleasure craft coating operations included in the average, expressed in kilograms per 12-month period.

LIM_i = The applicable VOM content limit for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.

V_i = Volume of specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i = Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).

2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this

subsection (n) shall use Equation 2 to calculate the total actual VOM emissions from the pleasure craft coating operations included in the emissions average.

Equation 2:

$$VOM_{Actual} = \sum_{i=A}^{G} VOM_i V_i$$

where:

VOM_{Actual}	=	VOM emissions calculated using the VOM content for all coatings from Section 219.204(q)(5)(A) through (G) that are included in the average and the volume of those coatings used, expressed in kilograms.
VOM_i	=	Weighted average of actual VOM content for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.
V_i	=	Total volume of specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.
i	=	Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).

3) For purposes of Equation 2, the owner or operator of a source subject to this subsection (n) shall use Equation 3 to calculate the weighted average VOM content for each coating included in the emissions average for the previous 12 months.

Equation 3:

$$VOM_i = \frac{\sum_{j=1}^{n} VOM_j V_j}{\sum_{j=1}^{n} V_j}$$

where:

VOM_i	=	Weighted average of actual VOM content for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.
VOM_j	=	VOM content of each pleasure craft coating used over the previous 12 months within a specific pleasure craft coating category, i.
V_i	=	Volume of each pleasure craft coating used in the previous 12 months, excluding water and any compounds that are exempt, within a specific pleasure craft coating category, i.
i	=	Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).
j	=	Subscript denoting a specific pleasure craft coating within a specified coating category, i.
n	=	Number of coatings applied within a specific coating category, i.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.211 Recordkeeping and Reporting

a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures

specified in Section 219.105 of this Part to establish the records required under this Section.

b) Any owner or operator of a coating line that is exempted from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) or (b) of this Subpart shall comply with the following:

1) For sources exempt from Section 219.208(a) of this Subpart, by a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 219.208(a) of this Subpart. Such certification shall include:

A) A declaration that the coating line is exempt from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) of this Subpart; and

B) Calculations that demonstrate that the combined VOM emissions from the coating line and all other coating lines in the same category never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

$$T_e = \sum_{j=1}^{m} \sum_{i=1}^{n} \left(A_i B_i \right)_j$$

where:

T_e = Total VOM emissions from coating lines each day before the application of capture systems and control devices in units of kg/day (lbs/day);

m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 219.104 of this Part (because they belong to the same category, e.g., can coating);

j = Subscript denoting an individual coating line;

n = Number of different coatings as applied each day on each coating line;

i = Subscript denoting an individual coating;

A_i = Weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of kg VOM/l (lbs VOM/gal); and

B_i = Volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of l/day (gal/day). The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency.

2) For sources exempt under Section 219.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 219.208(b) of this Subpart. Such certification shall include:

A) A declaration that the source is exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart; and

B) Calculations that demonstrate that the source meets the criteria of exemption because of Section 219.208(b) of this Subpart.

3) For sources exempt under Section 219.208(a) of this Subpart, on and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line; and

B) The weight of VOM per volume and the volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line.

4) For sources exempt under Section 219.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line; and

B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.

5) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 219.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.

c) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart other than Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and complying by means of Section 219.204 of this Subpart shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 219.205, Section 219.207, Section 219.215, or Section 219.216 of this Subpart to Section 219.204 of this Subpart; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.204 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:

A) The name and identification number of each coating as applied on each coating line;

B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line;

D) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line;

E) For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the application methods used to apply coatings on the subject coating line and the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line;

F) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating as applied each day on each coating line;

G) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, and the solids turnover ratio of the EDP operation, with supporting calculations;

H) For coating lines subject to the limitations of Section 219.204(a)(2)(E), the weight of VOM per volume and volume of each coating used in the final repair coat operation, and the weight of VOM per volume of the final repair coat as applied ~~each day on each coating line~~, calculated on an occurrence weighted average basis;

I) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day, unless otherwise specified, for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line;

B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied

each day on each coating line and certified product data sheets for each coating;

D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitation of Section 219.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating;

E) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line, and certified product data sheets for each coating;

F) For coating lines subject to the limitations of Section 219.204(g)(2) or 219.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line, and certified product data sheets for each coating;

G) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line;

H) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, certified product data sheets for each coating, and the solid turnover ratio for the EDP operation, calculated on a calendar monthly basis, with supporting calculations;

I) For coating lines subject to the limitations of Section 219.204(a)(2)(E), the weight of VOM per volume and volume of each coating used in the final repair coat operation, the weight of VOM per volume of the final repair coat as applied, calculated on an occurrence weighted average basis~~as applied each day on each~~

~~coating line, calculated on an occurrence weighted average basis~~, and certified product data sheets for each coating;

J) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line, and certified product data sheets for each coating.

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1), (e)(1), or (i)(1), as applicable. Upon changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d), (e), or (i) of this Section, as applicable.

d) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart and complying by means of Section 219.205 of this Subpart shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 219.204 or Section 219.207 to Section 219.205 of this Subpart; the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.205 on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:

A) The name and identification number of each coating line which will comply by means of Section 219.205 of this Subpart.

B) The name and identification number of each coating as applied on each coating line.

C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

D) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

E) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.

F) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

G) For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.

H) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line.

I) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

J) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

K) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

L) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line.

B) The weight of VOM per volume and the volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line.

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

D) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.

E) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

F) For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.

G) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line.

H) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

I) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 219.104 of this Part.

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1), (e)(1), or (i)(1) of this Section, as applicable. Upon changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c), (e), or (i) of this Section, as applicable.

e) Any owner or operator of a coating line subject to the limitations of Section 219.207 and complying by means of Section 219.207(c), (d), (e), (f), (g), (h), or (k), (l), (m), or (n) of this Subpart shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 219.204 or Section 219.205 to Section 219.207 of this Subpart, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.207 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 219.207(b)(2) of this Subpart.

B) Control device monitoring data.

C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.

D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.

f) Any owner or operator of a primer surfacer operation or topcoat operation, or combined primer surfacer and topcoat operation, subject to the limitations of Section 219.204(a)(1)(B), (a)(1)(B), (a)(2)(C), or (a)(2)(D) of this Subpart shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 219.204 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:

A) The name and identification number of each coating operation that will comply by means of Section 219.204(a)(1)(B),(a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and the name and identification number of each coating line in each coating operation.

B) The name and identification number of each coating as applied on each coating line in the coating operation.

C) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

D) The transfer efficiency and control efficiency measured for each coating line.

E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.

F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) of this Section.

H) An example format for presenting the records required in subsection (f)(2) of this Section.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each topcoat or primer surfacer coating operation and maintain the information at the source for a period of three years:

A) All information necessary to demonstrate compliance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and to calculate the daily-weighted average VOM emissions from the coating operations in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart including:

i) The name and identification number of each coating as applied on each coating operation.

ii) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.

B) If a control device or devices are used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 219.106 of this Part or on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 219.204 (a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart within 10 days from the end of the month and maintain this information at the source for a period of three years.

4) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:

A) Any record showing a violation of Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.

B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days after the approval of the proposal by the Agency and USEPA.

g) On and after a date consistent with Section 219.106(c) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 219.218 of this Subpart shall comply with the following:

1) By May 1, 2011, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.218 of this Subpart;

2) Notify the Agency of any violation of Section 219.218 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and

3) Maintain at the source all records required by this subsection (g) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.

h) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 219.219 of this Subpart shall comply with the following:

1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes:

A) A description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.219 of this Subpart;

B) For sources subject to Section 219.219(a)(6), the work practices plan specified in that Section;

C) For sources subject to Section 219.219(b)(6), the application methods used to apply coatings on the subject coating line;

2) Notify the Agency of any violation of Section 219.219 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and

3) Maintain at the source all records required by this subsection (h) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.

i) On and after a date consistent with Section 219.106(d) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a flat wood paneling coating line subject to the requirements in Section 219.217 of this Subpart shall comply with the following:

1) By August 1, 2010, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.217(c) and (d) of this Subpart; and

2) Notify the Agency of any violation of Section 219.217 of this Subpart by providing a description of the violation and copies of records documenting such violation to the Agency within 30 days following the occurrence of the violation.

j) Each owner or operator of a pleasure craft surface coating operation subject to the limitations in Section 219.204(q)(5)(A) through (G) of this Subpart and complying by means of Section 219.207(n) of this Subpart shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new pleasure craft surface coating operation, whichever is later, or upon changing the method of compliance for an existing subject coating operation from Section 219.204, 219.205, or 219.207(k) of this Subpart to Section 219.207(n) of this Subpart, the owner or operator of a subject coating operation shall perform all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.207(n) on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a subject pleasure craft coating operation shall:

A) Collect and record the following information each month:

i) The amount of each pleasure craft surface coating used in each subject coating operation;

ii) The VOM content and coating category of each pleasure craft surface coating used in each subject coating operation;

iii) Total monthly VOM emissions for all subject pleasure craft surface coating operations;

B) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:

i) The VOM mass emission limit for all subject pleasure craft surface coating operations for the applicable 12-month averaging period, with supporting calculations;

ii) The total actual emissions of VOM from all subject pleasure craft surface coating operations for the applicable 12-month averaging period;

C) Notify the Agency in writing of any violation of the requirements of Section 219.207(n) within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;

D) Notify the Agency in writing at least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207(n) to Section 219.204, 219.205, or 219.207(m). Upon changing the method of compliance, the owner or operator shall comply with all requirements set forth in subsection (c), (d), or (e) of this Section, as applicable.

E) Maintain at the source all records required by this subsection (j) for a minimum of three years from the date the document was created, and provide such records to the Agency upon request.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards

a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOM for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.

b) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture except under the circumstances specified in subsections (b)(1) through (4) of this Section:

1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;

2) For repair coating under the following circumstances:

A) The coating materials are applied after the completion of the coating operation; or

B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;

3) If the spray gun is aimed and triggered automatically, rather than manually; or

4) If emissions from the finishing application station are directed to a control device pursuant to Section 219.216 of this Subpart.

c) Cleaning and storage requirements. Each owner or operator of a source subject to the limitations of Section 219.204(l) or (o) of this Subpart shall:

1) Keep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;

2) Pump or drain all organic solvent used for line cleaning into closed containers;

3) Collect all organic solvent used to clean spray guns in closed containers; and

4) Control emissions from washoff operations by using closed tanks.

d) Additional cleaning and storage requirements for flat wood paneling coating lines. Every owner or operator of a source subject to the limitations of Section 219.204(o) of this Subpart shall:

1) Minimize spills of VOM-containing coatings, thinners, and cleaning materials and clean up spills immediately;

2) Minimize emissions of VOM during the cleaning of storage, mixing, and conveying equipment; ~~and~~

3) Keep mixing vessels that contain VOM-containing coatings and other VOM-containing materials closed except when specifically in use;~~.~~

4) On and after January 1, 2012, convey VOM-containing coatings, thinners, and cleaning materials in closed containers or pipes.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: PRINTING AND PUBLISHING

Section 219.401 Flexographic and Rotogravure Printing

a) No owner or operator of a subject flexographic or rotogravure printing line shall apply at any time any coating or ink unless the VOM content does not exceed the limitation specified in either subsection (a)(1) or (a)(2), as applicable. Compliance with this Section must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section

219.105(a) and the recordkeeping and reporting requirements specified in Section 219.404(c) of this Part. As an alternative to compliance with this subsection, a subject printing line may meet the requirements of subsection (b) or (c).

1) Prior to August 1, 2010, either:

A) Forty percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM); or

B) Twenty-five percent VOM by volume of the volatile content in the coating and ink; and

2) On and after August 1, 2010:

A) For owners or operators of flexographic or rotogravure printing lines that do not print flexible packaging, either:

i) Forty percent VOM by volume of the coating and ink (minus water and any compounds that are specifically exempted from the definition of VOM); or

ii) Twenty-five percent VOM by volume of the volatile content in the coating and ink;

B) For owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, either:

i) 0.8 kg VOM/kg (0.8 lbs VOM/lb) solids applied; or

ii) 0.16 kg VOM/kg (0.16 lbs VOM/lb) inks and coatings applied.

b) Weighted Averaging Alternative

1) Prior to August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line shall apply coatings or inks on the subject printing line unless the weighted average, by volume. VOM content of all

coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(1)(A) (as determined by subsection (b)(1)(A)) or subsection (a)(1)(B) (as determined by subsection (b)(1)(B) of this Section). Compliance with this subsection must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Part.

A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(A) of this Section.

$$VOM_{(i)(A)} = \frac{\sum_{i=1}^{n} C_i L_i (V_{si} + V_{VOMi})}{\sum_{i=1}^{n} L_i (V_{si} + V_{VOMi})}$$

where:

$VOM_{(i)(A)}$ = The weighted average VOM content in units of percent VOM by volume of all coatings and inks (minus water and any compounds that are specifically exempted from the definition of VOM) used each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on a printing line;

C_i = The VOM content in units of percent VOM by volume of each coating or ink as applied (minus water and any compounds that are specifically exempted from the definition of VOM);

L_i = The liquid volume of each coating or ink as

applied in units of l (gal);

V_{si} = The volume fraction of solids in each coating or ink as applied;

V_{VOMi} = The volume fraction of VOM in each coating or ink as applied.

B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(B) of this Section.

$$VOM_{(i)(B)} = \frac{\sum_{i=1}^{n} C_i L_i V_{VMi}}{\sum_{i=1}^{n} L_i V_{VMi}}$$

where:

$VOM_{(i)(B)}$ = The weighted average VOM content in units of percent VOM by volume of the volatile content of all coatings and inks used each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on a printing line;

C_i = The VOM content in units of percent VOM by volume of the volatile matter in each coating or ink as applied;

L_i = The liquid volume of each coating or ink as applied in units of l (gal);

V_{VMi} = The volume fraction of volatile matter in each coating or ink as applied.

2) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that does not print flexible packaging shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(A)(i) (calculated in accordance with the equation in subsection (b)(1)(A)) or (a)(2)(A)(ii) (calculated in accordance with the equation in subsection (b)(1)(B)) of this Section. Compliance with this subsection (b)(2) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Subpart.

3) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(B)(i) (calculated in accordance with the equation in subsection (b)(3)(A)) or subsection (a)(2)(B)(ii) (calculated in accordance with the equation in subsection (b)(3)(B)) of this Section. Compliance with this subsection (b)(3) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Subpart.

A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(i) of this Section.

$$VOM_{(A)} = \frac{\sum_{i=1}^{n} C_i W_i}{\sum_{i=1}^{n} W_i}$$

where:

$VOM_{(A)}$ = The weighted average VOM content in units of kg VOM per kg (lbs VOM per lb) solids of all coatings and inks used each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on a printing line;

C_i = The VOM content in units of kg VOM per kg (lbs VOM per lb) solids of each coating or ink as applied;

W_i = Weight of solids in each coating or ink, as applied, in units of kg~~/l~~ (lb~~/gal~~).

B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(ii) of this Section.

$$VOM_{(B)} = \frac{\sum_{i=1}^{n} C_i L_i}{\sum_{i=1}^{n} L_i}$$

where:

$VOM_{(B)}$ = The weighted average VOM content in units of kg (lbs) VOM per weight in kg (lbs) of all coatings or inks as applied each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on each printing line;

C_i = The VOM content in units of kg (lbs) VOM per weight in kg (lbs) of each coating or ink as applied;

L_i = The weight of each coating or ink, as applied, in units of kg~~/l~~ (lb~~/gal~~).

c) Capture System and Control Device Requirements

1) Prior to August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(B), (c)(5), and (c)(6).

A) One of:~~)~~

i) A carbon adsorption system is used that reduces the captured VOM emissions by at least 90 percent by weight; or

ii) An incineration system is used that reduces the captured VOM emissions by at least 90 percent by weight; or

iii) An alternative VOM emission reduction system is used that is demonstrated to have at least a 90 percent control device efficiency, approved by the Agency and approved by USEPA as a SIP revision; and

B) The printing line is equipped with a capture system and control device that provides an overall reduction in VOM emissions of at least:

i) 75 percent where a publication rotogravure printing line is employed; or

ii) 65 percent where a packaging rotogravure printing line is employed; or

iii) 60 percent where a flexographic printing line is employed;

2) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that does not print flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(B), (c)(5), and (c)(6) of this Section;

3) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsections (c)(5) and (c)(6) of this Section and the capture system and control device provides an overall reduction in VOM emissions of at least:

A) 65 percent in cases in which a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or

B) 70 percent when a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010; or

C) 75 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or

D) 80 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010;

4) On and after August 1, 2010, the owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and non-flexible

packaging on the same line and that is equipped with a control device shall be subject to the requirements of either subsection (c)(1)(B) or (c)(3) of this Section, whichever is more stringent, as well as subsections (c)(5) and (c)(6) of this Section;

5) The control device is equipped with the applicable monitoring equipment specified in Section 219.105(d)(2) of this Part and, except as provided in Section 219.105(d)(3) of this Part, the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use; and

6) The capture system and control device are operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with this subsection by using the applicable capture system and control device test methods and procedures specified in Section 219.105(c) of this Part through Section 219.105(f) of this Part and by complying with the recordkeeping and reporting requirements specified in Section 219.404(e) of this Part. The owner or operator of a printing line subject to the requirements in subsection (c)(1)(B) or (c)(2) of this Section that performed all testing necessary to demonstrate compliance with subsection (c)(1)(B) prior to August 1, 2010, is not required to retest pursuant to this subsection (c)(6). The owner or operator of a printing line subject to the requirements in subsection (c)(3) shall perform testing in compliance with this subsection (c)(6), even if the owner or operator already performed such testing prior to August 1, 2010, unless the following conditions are met. Nothing in this subsection (c)(6), however, shall limit the Agency's ability to require that the owner or operator perform testing pursuant to 35 Ill. Adm. Code 201.282:

A) On or after May 1, 2000, the owner or operator of the subject printing line performed all testing necessary to demonstrate compliance with subsection (c)(1)(B);

B) Such testing also demonstrated an overall control efficiency equal to or greater than the applicable control efficiency requirements in subsection (c)(3);

C) The owner or operator submitted the results of such tests to the Agency, and the tests were not rejected by the Agency;

D) The same capture system and control device subject to the tests referenced in subsection (c)(6)(A) of this Section is still being used by the subject printing line; and

E) The owner or operator complies with all recordkeeping and reporting requirements in Section 219.404(e)(1)(B).

d) No owner or operator of subject flexographic or rotogravure printing lines that print flexible packaging or print flexible packaging and non-flexible packaging on the same line shall cause or allow VOM containing cleaning materials, including used cleaning towels, associated with the subject flexographic or rotogravure printing lines to be kept, stored, or disposed of in any manner other than in closed containers, or conveyed from one location to another in any manner other than in closed containers or pipes, except when specifically in use.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.404 Recordkeeping and Reporting

a) The VOM content of each coating and ink and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this Section.

b) Any owner or operator of a printing line which is exempted from any of the limitations of Section 219.401 of this Part because of the criteria in Section 219.402(a) of this Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, by January 1, 2012,~~August 1, 2010,~~ the owner or operator of a flexographic and rotogravure printing line to which this subsection (b) is applicable shall certify to the Agency that the flexographic and rotogravure printing line is exempt under the provisions of Section 219.402(a) of this Part. Such certification shall include:

A) A declaration that the flexographic and rotogravure printing line is

exempt from the limitations of the criteria in Section 219.401 because of Section 219.402(a) of this Part; and

B) Calculations that~~which~~ demonstrate that total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. Total maximum theoretical emissions of VOM for a flexographic or rotogravure printing source is the sum of maximum theoretical emissions of VOM from each flexographic and rotogravure printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year before the application of capture systems and control devices for each flexographic and rotogravure printing line at the source:

$$E_p = A \times B + 1095\left(C \times D \times F\right)$$

where:

E_p = Total maximum theoretical emissions of VOM from one flexographic or rotogravure printing line in units of kg/year (lbs/year);

A = Weight of VOM per volume of solids of the coating or ink with the highest VOM content as applied each year on the printing line in units of kg VOM/l (lbs VOM/gal) of coating or ink solids;

B = Total volume of solids for all coatings and inks that can potentially be applied each year on the printing line in units of 1/year (gal/year). The method by which the owner or operator accurately calculated the volume of each coating and ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;

C = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used

each year on the printing line in units of kg/l (lbs VOM/gal) of such material;

D = The greatest volume of cleanup material or solvent used in any 8-hour period;

F = The highest fraction of cleanup material or solvent which is not recycled or recovered for offsite disposal during any 8-hour period.

2) On and after a date consistent with Section 219.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, on and after January 1, 2012, the owner or operator of a facility referenced in this subsection shall collect and record all of the following information each year for each printing line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content and the volume of each coating and ink as applied each year on each printing line.

3) On and after a date consistent with Section 219.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, on and after January 1, 2012, the owner or operator of a facility exempted from the limitations of Section 219.401 of this Part because of the criteria in Section 219.402(a) of this Part shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all printing lines exceed 90.7 Mg (100 tons) in any calendar year before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

c) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(a) of this Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance from an existing subject printing line from Section 219.401(b) or Section 219.401(c) to Section 219.401(a) of this Part, the owner or operator of a subject printing line shall certify to the Agency that the printing line will be in compliance with Section 219.401(a) of this Part on and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 219.401(a)(2)(B) shall certify in accordance with this subsection (c)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content of each coating and ink as applied each day on each printing line.

2) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(a) of this Part shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content of each coating and ink as applied each day on each printing line.

3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.401(a) of this Part shall be reported by sending a copy of such record to the Agency

within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 219.401 of this Part from Section 219.401(a) to Section 219.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(a) to Section 219.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

d) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(b) of this Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing subject printing line from Section 219.401(a) or (c) to Section 219.401(b) of this Part, the owner or operator of the subject printing line shall certify to the Agency that the printing line will be in compliance with Section 219.401(b) of this Part on and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 219.401(b)(3) shall certify in accordance with this subsection (d)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:

A) The name and identification number of each printing line which will comply by means of Section 219.401(b) of this Part.

B) The name and identification number of each coating and ink available for use on each printing line.

C) The VOM content of each coating and ink as applied each day on each printing line.

D) The method by which the owner or operator will accurately

calculate the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line, and on and after January 1, 2012, the weight of each coating or ink.

E) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

F) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 and complying by means of Section 219.401(b) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content and the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line, and on and after January 1, 2012, the weight of each coating or ink.

C) The daily-weighted average VOM content of all coatings and inks as applied on each printing line.

3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.401(b) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of

compliance with Section 219.401 of this Part from Section 219.401(b) to Section 219.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(b) to Section 219.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

e) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(c) of this Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from Section 219.401(a) or (b) to Section 219.401(c) of this Part, the owner or operator of the subject printing line shall either:

A) Perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with Section 219.401(c) of this Part on and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date; or

B) If not required to perform such testing pursuant to Section 219.401(c)(6), submit a certification to the Agency that includes:

i) A declaration that the owner or operator is not required to perform testing pursuant to Section 219.401(c)(6);

ii) The dates that testing demonstrating compliance with Section 219.401(c)(3) was performed; and

iii) The dates that the results of such testing were submitted to the Agency.

2) On and after a date consistent with Section 219.106 of this Part, or Section

219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(c) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the facility for a period of three years:

A) Control device monitoring data.

B) A log of operating time for the capture system, control device, monitoring equipment and the associated printing line.

C) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.401(c) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 219.401 of this Part from Section 219.401(c) to Section 219.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(c) to Section 219.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.

4) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, the owner or operator of a printing line subject to the requirements in Section 219.401(c)(3) or (c)(4) shall submit to the Agency records documenting the date the printing line was constructed at the

subject source and the date the control device for such printing line was constructed at the subject source.

f) Any owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, and that is exempt from the limitations of Section 219.401(d) because of the criteria in Section 219.402(b) shall:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon modification of a printing line, submit a certification to the Agency that includes:

A) A declaration that the source is exempt from the requirements in Section 219.401(d) because of the criteria in Section 219.402(b);

B) Calculations that demonstrate that combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with such printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment; ~~and~~

2) On and after January 1, 2012, collect and record the following information each day for each subject printing line:

A) The name and identification number of each coating, ink, and cleaning solvent as applied each day on each printing line;

B) The VOM content of each coating and ink (measured in weight of VOM per volume of coating or ink, or in weight of VOM per weight of coating or ink) as applied each day on each printing line, and the volume or weight of each coating or ink, as applicable;

C) The weight of VOM per volume of each cleaning solvent and the volume of each cleaning solvent used each day on each printing line;

D) The total daily emissions of VOM from each printing line (including solvents used for cleanup operations associated with the

printing line) and the sum of daily emissions from all subject printing lines at the source; and

3)~~2)~~ Notify the Agency in writing if the combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with the flexographic and rotogravure lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.

g) Any owner or operator of a printing line subject to the limitations of Section 219.401(d) shall:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, submit a certification to the Agency describing the practices and procedures that the owner or operator will follow to ensure compliance with the limitations of Section 219.401(d); and

2) Notify the Agency of any violation of Section 219.401(d) by sending a description of the violation and copies of records documenting such violations to the Agency within 30 days following the occurrence of the violation.

h) All records required by subsections (f) and (g) of this Section shall be retained for at least three years and shall be made available to the Agency upon request.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.409 Testing for Lithographic Printing

a) Testing to demonstrate compliance with the requirements of Section 219.407 of this Subpart shall be conducted by January 1, 2012, unless such testing has been conducted within the two years immediately preceding January 1, 2012. Thereafter, testing shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

b) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part;

3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

C) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and

the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

4) Notwithstanding the criteria or requirements in Method 25 that specifies a minimum probe temperature of 129ºC (265ºF), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7ºC (350ºF);

5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and

6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 219.407(a)(1)(B) of this Subpart.

c) Testing to demonstrate compliance with the VOM content limitations in Section 219.407(a)(1)(A), (a)(2), (a)(3) and (a)(4)(A) of this Subpart, and to determine the VOM content of fountain solutions, fountain solution additives, cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 219.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Subpart, as applicable), shall be conducted upon request of the Agency or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 219.112 of this Part, shall be used to demonstrate compliance; or

2) The manufacturer's specifications for VOM content for fountain solution additives, cleaning solvents, and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

d) Testing to demonstrate compliance with the requirements of Section 219.407(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions

pursuant to Section 219.407(b) of this Subpart.

e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.411 Recordkeeping and Reporting for Lithographic Printing

a) Exempt Units prior to August 1, 2010. An owner or operator of lithographic printing lines exempt from the limitations of Section 219.407 of this Subpart prior to August 1, 2010, because of the criteria in Section 219.405(b) of this Subpart, shall comply with the following:

1) Upon initial start-up of a new lithographic printing line, and upon modification of a lithographic printing line, submit a certification to the Agency that includes:

A) A declaration that the source is exempt from the control requirements in Section 219.407 of this Part because of the criteria in Section 219.405(b) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the tests methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from fountain solutions and cleaning solvents used on lithographic printing lines at the source, no retention factor is used;

C) Either a declaration that the source, through federally enforceable permit conditions, has limited its maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset printing lines) at the source to no more than 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices or calculations which demonstrate that the source's total maximum theoretical emissions of VOM do not exceed 90.7 Mg/yr (100 tons/yr). Total maximum theoretical emissions of VOM for a heatset web offset lithographic printing source is the sum of maximum theoretical emissions of VOM from each heatset web offset lithographic printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year in the absence of air pollution control equipment for each heatset web offset lithographic printing line at the source:

$$E_p = (R \times A \times B) + (C \times D) + 1095\ (F \times G \times H)$$

where:

E_d = Total maximum theoretical emissions of VOM from one heatset web offset printing line in units of kg/yr (lb/yr);

A = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal) of solids;

B = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of 1/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;

C = Weight of VOM per volume of fountain solution with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal);

D = The total volume of fountain solution that can potentially be used each year on the printing line in units of 1/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Agency;

F = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lb/gal) of such material;

G = The greatest volume of cleanup material or solvent used in any 8-hour period;

H = The highest fraction of cleanup material or solvent that is not recycled or recovered for offsite disposal during any 8-hour period;

R = The multiplier representing the amount of VOM not retained in the substrate being used. For paper, R = 0.8. For metal, plastic, or other impervious substrates, R = 1.0;

D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;

2) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.

b) Exempt Units on and after August 1, 2010

1) Lithographic Printing Lines Exempt pursuant to Section 219.405(c)(2). By August 1, 2010, or upon initial start-up of a new lithographic printing line, whichever is later, and upon modification of a lithographic printing line, an owner or operator of lithographic printing lines exempt from the limitations in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(2) of this Subpart shall submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A), (b)(1)(B), and (b)(1)(D) of this Section, or subsections (b)(1)(A) and (b)(1)(C) of this Section, as applicable. An owner or operator complying with subsection (b)(1)(B) shall also comply with the requirements in subsection (b)(1)(E) of this Section. An owner or operator complying with subsection (b)(1)(C) shall also comply with the requirements in subsection (b)(1)(F) of this Section:

A) A declaration that the source is exempt from the requirements in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source do not equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from cleaning solutions used on lithographic printing lines at the source, an emission

adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;

C) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(C)(i) or (ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days after the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection (b)(1)(C) as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web offset and either nonheatset web offset or sheetfed lithographic printing operations, or has all three types of printing operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).

i) The sum of all sheetfed and nonheatset web offset lithographic printing operations at the source: 242.3liters (64 gallons) of cleaning solvent and fountain solution additives, combined; or

ii) The sum of all heatset web offset lithographic printing operations at the source: 204.1 kg (450 lbs) of ink, cleaning solvent, and fountain solution additives, combined;

D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning

solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;

E) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. If such emissions of VOM at the source equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), the source shall comply with the requirements in subsection (b)(2) of this Section;

F) For sources complying with subsection (b)(1)(C) of this Section, comply with the following:

i) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(C)(i) and (b)(1)(C)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM, and provide such records to the Agency upon request. On and after January 1, 2012, such records shall include the name, identification number, and VOM content of each cleaning solvent and fountain solution additive used per calendar month, the volume of each cleaning solvent and fountain solution additive used per calendar month for each sheetfed and nonheatset web offset lithographic printing operation, and the weight of each cleaning solvent, ink, and fountain solution additive used per calendar month for each heatset web offset lithographic printing operation;

ii) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance

from subsection (b)(1)(C) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs;

2) Heatset web offset lithographic printing lines exempt pursuant to Section 219.405(c)(1) but not exempt pursuant to Section 219.405(c)(2). By August 1, 2010, or upon initial start-up of a new heatset web offset lithographic printing line, whichever is later, and upon modification of a heatset web offset lithographic printing line, an owner or operator of heatset web offset lithographic printing lines that are exempt from the limitations in Section 219.407 of this Subpart pursuant to the criteria in Section 219.405(c)(1) of this Subpart, but that are not exempt pursuant to the criteria in Section 219.405(c)(2) of this Subpart, shall submit a certification to the Agency that includes the information specified in subsections (b)(2)(A) through (b)(2)(C) of this Section. Such owner or operator shall also comply with the requirements in subsection (b)(2)(D) of this Section:

A) A declaration that the source is exempt from the control requirements in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(1) of this Subpart, but is not exempt pursuant to the criteria in Section 219.405(c)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows (the following methodology shall also be used to calculate whether a source exceeds 45.5 kg/day (100 lbs/day) for purposes of determining eligibility for the exclusions set forth in Section 219.405(c)(3), in accordance with Section 219.411(g)(2)(A)(i)):

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the

number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;

iv) To determine VOM emissions from cleaning solvents used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from cleaning solution in shop towels if the VOM composite vapor pressure of such cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;

C) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;

D) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs.

c) Unless complying with subsections (b)(1)(C) and (b)(1)(F) of this Section, an owner or operator of lithographic printing lines subject to the requirements of subsection (a) or (b) of this Section shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all lithographic printing lines at the source:

1) Standard recordkeeping, including the following:

A) The name and identification of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

B) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

C) The VOM content and the volume of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month; and

E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable;

2) Purchase and inventory recordkeeping, including the following:

A) The name, identification, and VOM content of each fountain

solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

B) Inventory records from the beginning and end of each month indicating the total volume of each fountain solution additive, lithographic ink, and cleaning solvent to be used on any lithographic printing line at the source;

C) Monthly purchase records for each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line at the source;

D) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section;

F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable.

d) An owner or operator of a heatset web offset lithographic printing line subject to the control requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart shall comply with the following:

1) By August 1, 2010, upon initial start-up of a new printing line, and upon initial start-up of a new control device for a heatset web offset printing line, submit a certification to the Agency that includes the following:

A) An identification of each heatset web offset lithographic printing line at the source;

B) A declaration that each heatset web offset lithographic printing line

is in compliance with the requirements of Section 219.407 (a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) or (b) of this Subpart, as appropriate;

C) The type of afterburner or other approved control device used to comply with the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart and the date that such device was first constructed at the source;

D) The control requirements in Section 219.407(a)(1)(C) or (b)(1) of this Subpart with which the lithographic printing line is complying;

E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and

F) A declaration that the monitoring equipment required under Section 219.407(a)(1)(D) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;

2) If testing of the afterburner or other approved control device is conducted pursuant to Section 219.409(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the lithographic printing lines are in compliance with Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable, have been properly performed;

B) A statement whether the lithographic printing lines are or are not in compliance with Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and

C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.410(c) or (d) of this Subpart, as applicable;

3) Except as provided in subsection (d)(3)(D)(ii) of this Section, collect and record daily the following information for each heatset web offset lithographic printing line subject to the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart:

A) Afterburner or other approved control device monitoring data in accordance with Section 219.410(c) or (d) of this Subpart, as applicable;

B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and

D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 219.407(a)(1)(B) of this Subpart as follows:

i) Prior to August 1, 2010, at least once per 24-hour period while the line is operating; and

ii) On and after August 1, 2010, at least once per calendar month while the line is operating;

4) Notify the Agency in writing of any violation of Section 219.407(a)(1)(C) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

5) If changing its method of compliance between subsections (a)(1)(C) and (b) of Section 219.407 of this Subpart, certify compliance for the new method of compliance in accordance with subsection (d)(1) of this Section at least 30 days before making such change, and perform all tests and

calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 219.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) of this Subpart, or Section 219.407(b) of this Subpart, as applicable.

e) An owner or operator of a lithographic printing line subject to Section 219.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart shall:

1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that fountain solutions used on each lithographic printing line will be in compliance with the applicable VOM content limitation. Such certification shall include:

A) Identification of each lithographic printing line at the source, by type, e.g., heatset web offset, non-heatset web offset, or sheet-fed offset;

B) Identification of each centralized fountain solution reservoir and each lithographic printing line that it serves;

C) A statement that the fountain solution will comply with the VOM content limitations in Section 219.407(a)(1)(A), (a)(2), or (a)(3), as applicable;

D) Initial documentation that each type of fountain solution will comply with the applicable VOM content limitations, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitation, e.g., a refractometer, hydrometer, conductivity meter, or recordkeeping procedures with detailed description of the compliance methodology; and

F) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section.

2) Collect and record the following information for each fountain solution:

A) The name and identification of each batch of fountain solution prepared for use on one or more lithographic printing lines, the lithographic printing lines or centralized reservoir using such batch of fountain solution, and the applicable VOM content limitation for the batch;

B) If an owner or operator uses a hydrometer, refractometer, or conductivity meter, pursuant to Section 219.410(b)(1)(B), to demonstrate compliance with the applicable VOM content limit in Section 219.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart:

i) The date and time of preparation, and each subsequent modification, of the batch;

ii) The results of each measurement taken in accordance with Section 219.410(b) of this Subpart;

iii) Documentation of the periodic calibration of the meter in accordance with the manufacturer's specifications, including date and time of calibration, personnel conducting, identity of standard solution, and resultant reading; and

iv) Documentation of the periodic temperature adjustment of the meter, including date and time of adjustment, personnel conducting and results;

C) If the VOM content of the fountain solution is determined pursuant to Section 219.410(b)(1)(A) of this Subpart, for each batch of as-applied fountain solution:

i) Date and time of preparation and each subsequent modification of the batch;

ii) Volume or weight, as applicable, and VOM content of each component used in, or subsequently added to, the fountain solution batch;

iii) Calculated VOM content of the as-applied fountain solution; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 219.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;

D) If the VOM content of the fountain solution is determined pursuant to Section 219.410(b)(2) of this Subpart, for each setting:

i) VOM content limit corresponding to each setting;

ii) Date and time of initial setting and each subsequent setting;

iii) Documentation of the periodic calibration of the automatic feed equipment in accordance with the manufacturer's specifications; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 219.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit.

E) If the owner or operator relies on the temperature of the fountain solution to comply with the requirements in Section 219.407(a)(1)(A)(ii) or (a)(3)(B) of this Subpart:

i) The temperature of the fountain solution at each printing line, as monitored in accordance with Section 219.410(a); and

ii) A maintenance log for the temperature monitoring devices and automatic, continuous temperature recorders detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

3) Notify the Agency in writing of any violation of Section 219.407 of this Subpart within 30 days after the occurrence of such violation. Such

notification shall include a copy of all records of such violation.

f) For lithographic printing line cleaning operations, an owner or operator of a lithographic printing line subject to the requirements of Section 219.407 of this Subpart shall:

1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 219.405(c)(3)(C), and the handling of all cleaning materials, will be in compliance with the requirements of Section 219.407(a)(4)(A) or (a)(4)(B) and (a)(5) of this Subpart, and such certification shall also include:

A) A statement that the cleaning solution will comply with the limitations in Section 219.407(a)(4);

B) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

C) A sample of the records that will be kept pursuant to subsection (f)(2) of this Section; and

D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;

2) Collect and record the following information for each cleaning solution used on each lithographic printing line:

A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.407(a)(4)(A) of this Subpart and that is prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.409(c) of this Subpart;

iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);

iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

v) The VOM content of the as-used cleaning solution, with supporting calculations; and

vi) A calibration log for the automatic equipment, detailing periodic checks;

B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.407(a)(4)(A) of this Subpart, and that is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.409(c) of this Subpart;

iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in

Section 219.105(a) of this Part;

C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.407(a)(4)(B) of this Subpart:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;

iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and

v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;

D) The date, time and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

3) Notify the Agency in writing of any violation of Section 219.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.

g) The owner or operator of lithographic printing lines subject to one or more of the exclusions set forth in Section 219.405(c)(3) shall:

1) By August 1, 2010, or upon initial start-up of a new lithographic printing line that is subject to one or more of the exclusions set forth in Section 219.405(c)(3), whichever is later, submit a certification to the Agency that includes either:

A) A declaration that the source is subject to one or more of the exclusions set forth in Section 219.405(c)(3) and a statement indicating which such exclusions apply to the source; or

B) A declaration that the source will not make use of any of the exclusions set forth in Section 219.405(c)(3);

2) Unless the source has certified in accordance with subsection (g)(1)(B) of this Section that it will not make use of any of the exclusions set forth in Section 219.405(c)(3):

A) Collect and record the following information for all lithographic printing lines at the source:

i) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, determined in accordance with the calculations in subsection (b)(2)(B) of this Section;

ii) The name, identification, and volume of all~~amount of~~ cleaning materials used per calendar month on lithographic printing lines at the source that do~~does~~ not comply with the

cleaning material limitations in Section 219.407(a)(4) of this Subpart;

B) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs;

3) If changing from utilization of the exclusions set forth in Section 219.405(c)(3) to opting out of such exclusions pursuant to subsection (g)(1)(B) of this Section, or if there is a change at the source such that the exclusions no longer apply, certify compliance in accordance with subsection (g)(1)(B) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the applicable requirements of Section 219.407 of this Subpart;

4) If changing from opting out of the exclusions set forth in Section 219.405(c)(3) pursuant to subsection (g)(1)(B) of this Section to utilization of such exclusions, certify compliance in accordance with subsection (g)(1)(A) of this Section within 30 days after making such change.

h) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

i) Provisions for Calculation of Emissions from Heatset Web Offset Lithographic Printing Operations. To calculate VOM emissions from heatset web offset lithographic printing operations for purposes other than the applicability thresholds specified in Section 219.405 of this Subpart, sources may use the following emission adjustment factors (for Annual Emissions Reports or permit limits, for example):

1) A factor of 0.80 may be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as

used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;

2) To determine VOM emissions from fountain solutions that contain no alcohol, an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

A) The VOM emitted from the fountain solution shall be calculated using the following equation:

$$VOM_{fs} = 0.30 \times VOM_{tot} + (0.70 \times VOM_{tot}) \times (1 - DE)$$

where:

VOM_{tot} = Total VOM in the fountain solution;

VOM_{fs} = VOM emitted from the fountain solution;

DE = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0;

B) For fountain solutions that contain alcohol, impervious substrates such as metal or plastic, or non-heatset lithographic presses, no emission adjustment factor is used;

3) To determine VOM emissions from cleaning solutions used on heatset web offset lithographic printing lines at the source, an emission adjustment factor of 0.50 may be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. To determine VOM emissions from automatic blanket wash solution with a VOM composite vapor pressure of less than 10 mmHg measured at 20°C (68°F), an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

A) The VOM emitted from the automatic blanket wash solution shall be calculated using the following equation:

$$VOM_{bw} = 0.60 \times VOM_{tot} + (0.40 \times VOM_{tot}) \times (1 - DE)$$

where:

VOM_{tot} = Total VOM in the blanket wash;

VOM_{bw} = VOM emitted from the blanket wash;

DE = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0;

B) For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F), for shop towels that are not kept in closed containers, and for impervious substrates such as metal or plastic, no emission adjustment factor is used.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.415 Testing for Letterpress Printing Lines

a) Testing to demonstrate compliance with the requirements of Section 219.413 of this Subpart shall be conducted by the owner or operator by January 1, 2012, unless such testing has been conducted within the two years immediately preceding January 1, 2012. Thereafter, testing shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator, and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

b) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;

3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

C) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

4) Notwithstanding the criteria or requirements in Method 25 which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);

5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and

6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 219.413(a)(1)(A) of this Subpart.

c) Testing to demonstrate compliance with the VOM content limitations in Section 219.413(a)(2)(A) of this Subpart, and to determine the VOM content of cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 219.417(b)(1)(B) of this Subpart), shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 219.112 of this Part, shall be used to demonstrate compliance; or

2) The manufacturer's specifications for VOM content for cleaning solvents and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

d) Testing to demonstrate compliance with the requirements of Section 219.413(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 219.413(b) of this Subpart.

e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be

conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.417 Recordkeeping and Reporting for Letterpress Printing Lines

a) By August 1, 2010, or upon initial start-up of a new heatset web letterpress printing line, whichever is later, and upon modification of a heatset web letterpress printing line, an owner or operator of a heatset web letterpress printing line exempt from any of the limitations of Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(1) shall submit a certification to the Agency that includes:

1) A declaration that the source is exempt from the requirements in Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(1) of this Subpart;

2) Calculations which demonstrate that the source's total potential to emit VOM does not equal or exceed 22.7 Mg (25 tons) per year.

b) An owner or operator of a letterpress printing line exempt from any of the limitations of Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(2) shall:

1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, and upon modification of a letterpress printing line, submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A) through (b)(1)(C) of this Section, or subsections (b)(1)(A) and (b)(1)(D) of this Section, as applicable:

A) A declaration that the source is exempt from the control requirements in Section 219.413 of this Part because of the criteria in Section 219.412(a)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing

lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) and divide this amount by the number of days during that calendar month that letterpress printing lines at the source were in operation;

ii) To determine the VOM content of the inks and cleaning solvents, the tests methods and procedures set forth in Section 219.415(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on letterpress printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from cleaning solutions used on letterpress printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. Otherwise, no retention factor is used;

C) A description and the results of all tests used to determine the VOM content of inks and cleaning solvents, and a declaration that

all such tests have been properly conducted in accordance with Section 219.415(c)(1) of this Subpart;

D) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(D)(i) or (b)(1)(D)(ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days of the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web and either nonheatset web or sheetfed letterpress printing operations, or has all three types of printing operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).

i) The sum of all sheetfed and nonheatset web letterpress printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent; or

ii) The sum of all heatset web letterpress printing operations at the source: 204.1 kg (450 lbs) of ink and cleaning solvent;

2) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs;

3) For sources complying with subsection (b)(1)(D) of this Section, comply with the following:

A) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) and (b)(1)(D)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM. On and after January 1, 2012, such records shall include the name, identification number, and VOM content of each cleaning solvent and ink used per calendar month, the volume of each cleaning solvent used per calendar month for each sheetfed and nonheatset web letterpress printing operation, and the weight of each cleaning solvent and ink used per calendar month for each heatset web letterpress printing operation;

B) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(D) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs.

c) Unless complying with subsections (b)(1)(D) and (b)(3) of this Section, on and after August 1, 2010, an owner or operator of a letterpress printing line exempt from any of the limitations in Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(1) or (a)(2)~~subject to the requirements in subsections (a) or (b) of this Section~~ shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all letterpress printing lines at the source:

1) Standard recordkeeping, including the following:

A) The name and identification of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

B) A daily record that shows whether a letterpress printing line at the source was in operation on that day;

C) The VOM content and the volume of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month; and

E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;

2) Purchase and inventory recordkeeping, including the following:

A) The name, identification, and VOM content of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

B) Inventory records from the beginning and end of each month indicating the total volume of each letterpress ink, and cleaning solvent to be used on any letterpress printing line at the source;

C) Monthly purchase records for each letterpress ink and cleaning solvent used on any letterpress printing line at the source;

D) A daily record that shows whether a letterpress printing line at the source was in operation on that day;

E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment factor) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section; and

F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section.

d) An owner or operator of a heatset web letterpress printing lines subject to the control requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart shall comply with the following:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon initial start-up of a new control device for a heatset web printing line, submit a certification to the Agency that includes the following:

   A) An identification of each heatset web letterpress printing line at the source;

   B) A declaration that each heatset web letterpress printing line is in compliance with the requirements of Section 219.413(a)(1) or (b) of this Subpart, as appropriate;

   C) The type of afterburner or other approved control device used to comply with the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, and the date that such device was first constructed at the subject source;

   D) The control requirements in Section 219.413(a)(1)(B) or (b)(1) of this Subpart with which the letterpress printing line is complying;

   E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and

   F) A declaration that the monitoring equipment required under Section 219.413(a)(1)(C) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;

2) If testing of the afterburner or other approved control device is conducted pursuant to Section 219.415(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

   A) A declaration that all tests and calculations necessary to demonstrate whether the letterpress printing lines is in compliance

with Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable, have been properly performed;

B) A statement whether the heatset web letterpress printing lines are or are not in compliance with Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and

C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.416(a) or (b) of this Subpart, as applicable;

3) Except as provided in subsection (d)(3)(D) of this Section, collect and record daily the following information for each heatset web letterpress printing line subject to the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart:

A) Afterburner or other approved control device monitoring data in accordance with Section 219.416(a) or (b) of this Subpart, as applicable;

B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and

D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 219.413(a)(1)(A) of this Subpart at least once per calendar month while the line is operating;

4) Notify the Agency in writing of any violation of Section 219.413(a)(1)(B) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

5) If changing the method of compliance between Sections 219.413(a)(1)(B) and 219.413(b) of this Subpart, certify compliance for the new method of compliance in accordance with Section 219.413(b) at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 219.413(a)(1) of this Subpart, or Section 219.413(b) of this Subpart, as applicable.

e) For letterpress printing line cleaning operations, an owner or operator of a letterpress printing line subject to the requirements of Section 219.413 of this Subpart shall:

1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 219.412(b), and the handling of all cleaning materials will be in compliance with the requirements of Section 219.413(a)(2)(A) or (a)(2)(B) and (a)(3) of this Subpart. Such certification shall include:

A) A statement that the cleaning solution will comply with the limitations in Section 219.413(a)(2);

B) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

C) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section; and

D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;

2) Collect and record the following information for each cleaning solution used on each letterpress printing line:

A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.413(a)(2)(A) of this Subpart and that is prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.415(c) of this Subpart;

iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);

iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

v) The VOM content of the as-used cleaning solution, with supporting calculations; and

vi) A calibration log for the automatic equipment, detailing periodic checks;

B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.413(a)(2)(A) of this Subpart, and that is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.415(c) of this Subpart;

iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;

C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.413(a)(2)(B) of this Subpart:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;

iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and

v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;

D) The date, time, and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

E) The amount of cleaning materials used on letterpress printing lines at the source that do not comply with the cleaning material limitations set forth in Section 219.413(a)(2) of this Subpart;

3) Notify the Agency in writing of any violation of Section 219.413 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.

f) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

Section 219.891 Emission Limitations and Control Requirements

a) Except as provided in subsection (f) of this Section, no owner or operator of a source subject to the requirements of this Subpart shall use a subject resin or gel coat at the source unless the resin and gel coat comply with subsection (b)(1) or (b)(2), (c), or (d) of this Section, as well as with subsections (e), (g), and (h) of this Section. For sources complying pursuant to subsection (b) or (c) of this Section, if the non-monomer VOM content of a resin or gel coat exceeds 5 percent, by weight, the excess non-monomer VOM shall be added to the monomer VOM content of the resin or gel coat. The excess non-monomer VOM shall be calculated in accordance with the following equation ~~below~~:

$$\text{Excess Non-Monomer VOM} = \text{Non-monomer VOM Content} - 5 \text{ percent, by weight}$$

$$\cancel{WeightedAverageMonomerVOMContent} = \frac{\sum_{i=1}^{n} M_i}{\sum_{i=1}^{n} M_i} + \frac{\sum_{i=1}^{n} M_i VOM_{nm} - \sum_{i=1}^{n} 0.05 * M_i}{\sum_{i=1}^{n} M_i}$$

~~where:~~

~~M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams.~~

~~VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.~~

~~i = Subscript denoting a specific open molding resin or gel coat applied.~~

~~n = Number of different open molding resins or gel coats used in the past 12 months in an operation.~~

~~VOM_{nm} = Non-monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.~~

b) VOM Content Limitations

1) Except as provided in subsection (e) of this Section, the monomer VOM content of a subject resin or gel coat shall not exceed the following limitations:

	Weighted average monomer VOM content (weight percent)
A) Production resin	
i) Atomized spray	28

	ii)	Non-atomized	35
B)	Pigmented gel coat		33
C)	Clear gel coat		48
D)	Tooling resin		
	i)	Atomized	30
	ii)	Non-atomized	39
E)	Tooling gel coat		40

2) Except as provided in subsection (e) of this Section, the weighted average monomer VOM content of a subject resin or gel coat shall not exceed the applicable limitation set forth in subsection (b)(1) of this Section on a 12-month rolling average basis. Equation 1 shall be used to determine the weighted average monomer VOM content for resin and gel coat materials.

Equation 1:

$$\text{Weighted Average Monomer VOM Content} = \frac{\sum_{i=1}^{n} M_i VOM_i}{\sum_{i=1}^{n} M_i}$$

where:

M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams;

VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation;

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

c) Emissions Averaging Alternative. The owner or operator of a source subject to the requirements of this Subpart may elect to include some or all of the subject resin and gel coat operations at the source in the emissions averaging alternative. Resin and gel coat operations utilizing the emissions averaging alternative shall comply with a source-specific monomer VOM mass emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. All subject resin and gel coat operations that do not utilize the emissions averaging alternative shall comply with the requirements in subsection (b) or (d) of this Section, as well as with all other applicable requirements in this Section.

1) The owner or operator of a source subject to this subsection (c) shall use Equation 2 to determine the source-specific monomer VOM mass emission limit for resin and gel coats included in the emissions average:

Equation 2:

$$\text{Monomer VOM Limit} = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

where:

Monomer VOM Limit = Total allowable monomer VOM that can be emitted from the open molding operations included in the average, expressed in kilograms per 12-month period;

M_R = Mass of production resin used in the past 12 months, excluding any materials that are exempt, expressed in megagrams (Mg);

M_{PG} = Mass of pigmented gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{CG} = Mass of clear gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{TR} = Mass of tooling resin used in the past 12 months, excluding any materials that are exempt, expressed in

Mg;

M_{TG} = Mass of tooling gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg.

The numerical coefficients associated with each term on the right hand side of Equation 2 are the allowable monomer VOM emission rates for that particular material in units of kg VOM/Mg of material used.

2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (c) shall use Equation 3 to calculate the monomer VOM emissions from the resin and gel coat operations included in the emissions average ~~to determine whether the emissions exceed the limitation calculated using Equation 2~~. The monomer VOM emissions calculated using Equation 3 shall not exceed the monomer VOM limit calculated using Equation 2.

Equation 3:

$$\text{Monomer VOM Emissions} = (PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})$$

where:

Monomer VOM Emissions = Monomer VOM emissions calculated using the monomer VOM emission equations for each operation included in the average, expressed in kg;

PV_R = Weighted-average monomer VOM emission rate for production resin used in the past 12 months, expressed in kg/Mg, calculated in accordance with Equation 4 in subsection (c)(3);

M_R = Mass of production resin used in the past 12 months, expressed in Mg;

PV_{PG} = Weighted-average monomer VOM emission rate for pigmented gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{PG} = Mass of pigmented gel coat used in the past 12 months, expressed in Mg;

PV_{CG} = Weighted-average monomer VOM emission rate for clear gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{CG} = Mass of clear gel coat used in the past 12 months, expressed in Mg;

PV_{TR} = Weighted-average monomer VOM emission rate for tooling resin used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{TR} = Mass of tooling resin used in the past 12 months, expressed in Mg;

PV_{TG} = Weighted-average monomer VOM emission rate for tooling gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{TG} = Mass of tooling gel coat used in the past 12 months, expressed in Mg.

3) For purposes of Equation 3, the owner or operator of a source subject to this subsection (c) shall use Equation 4 below to calculate the weighted-average monomer VOM emission rate for the previous 12 months for each resin and gel coat operation included in the emissions average, except as provided in subsection (e) of this Section.

Equation 4:

$$PV_{OP} = \frac{\sum_{i=1}^{n} M_i PV_i}{\sum_{i=1}^{n} M_i}$$

where:

PV_{OP} = Weighted-average monomer VOM emission rate for each open molding operation (PV_R, PV_{PG}, PV_{CG}, PV_{TR}, and PV_{TG}) included in the average, expressed in kg of monomer VOM per Mg of material applied;

M_i = Mass of resin or gel coat (i) used within an operation in the past 12 months, expressed in Mg;

n = Number of different open molding resins and gel coats used within an operation in the past 12 months;

PV_i = The monomer VOM emission rate for resin or gel coat (i) used within an operation in the past 12 months, expressed in kg of monomer VOM per Mg of material applied. The monomer VOM emission rate formulas in subsection (c)(4) of this Section shall be used to compute PV_i. If a source includes filled resins in the emissions average, the source shall use the value of PV_F, calculated using Equation 5 in subsection (e)(3) of this Section, as the value of PV_i for those resins;

i = Subscript denoting a specific open molding resin or gel coat applied.

4) For purposes of Equation 4 and subsection (e)(3) of this Section, the following monomer VOM emission rate formulas shall apply. Such formulas calculate monomer VOM emission rates in terms of kg of monomer VOM per Mg of resin or gel coat applied. "VOM%" means the monomer VOM content as supplied, expressed as a weight percent value between 0 and 100 percent:

A) Production resin, tooling resin:

i) Atomized: 0.014 x (Resin VOM%)$^{2.425}$

ii) Atomized, plus vacuum bagging with roll-out: 0.01185 x (Resin VOM%)$^{2.425}$

iii) Atomized, plus vacuum bagging without roll-out: 0.00945 x (Resin VOM%)$^{2.425}$

iv) Nonatomized: 0.014 x (Resin VOM%)$^{2.275}$

v) Nonatomized, plus vacuum bagging with roll-out: 0.0110 x (Resin VOM%)$^{2.275}$

vi) Nonatomized, plus vacuum bagging without roll-out: 0.0076 x (Resin VOM%)$^{2.275}$

B) Pigmented gel coat, clear gel coat, tooling gel coat: 0.445 x (Gel Coat VOM%)$^{1.675}$

d) Capture System and Control Device Requirements. No owner or operator of a source subject to the requirements of this Subpart that is utilizing a capture system and control device for a subject resin or gel coat operation shall conduct that operation unless the following requirements are satisfied:

1) An afterburner or carbon adsorber is installed and operated that meets the limitations set forth in this subsection (d). The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if that device complies with all limitations in this subsection (d), the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device, and the plan is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~;

2) The VOM emissions at the outlet of the control device meet an emissions limitation determined using Equation 2 in subsection (c)(1) of this Section. In Equation 2, however, instead of using the mass of each material used over the past 12 months to determine the emission limitation, the owner or

operator shall use the mass of each material used during the applicable control device performance test;

3) The owner or operator complies with all testing and monitoring requirements set forth in Section 219.892 of this Subpart.

e) Filled Resins. For all filled production and tooling resins, the owner or operator of a source subject to this Subpart shall adjust the monomer VOM emission rates determined pursuant to subsections (b) and (c) of this Section using Equation 5 in subsection (e)(3). If complying pursuant to subsection (b), the emission rate determined using Equation 5 shall not exceed the limitations set forth in subsections (e)(1) and (e)(2) of this Section. If complying pursuant to subsection (c), the value of PV_F, calculated using Equation 5, shall be used as the value of PV_i in Equation 4, as set forth in subsection (c)(3) of this Section. If the non-monomer VOM content of a filled resin exceeds 5 percent, by weight, based on the unfilled resin, the excess non-monomer VOM shall be added to the monomer VOM content in accordance with the equation set forth in subsection (a).

1) Tooling Resin: 54 kg (119.1 lbs) monomer VOM/Mg filled resin applied;

2) Production Resin: 46 kg (101.4 lbs) monomer VOM/Mg filled resin applied;

3) Equation 5:

$$PV_F = PV_U \times \frac{(100 - \%Filler)}{100}$$

where:

PV_F = The as-applied monomer VOM emission rate for the filled production resin or tooling resin, expressed in kg monomer VOM per Mg of filled material;

PV_U = The monomer VOM emission rate for the unfilled resin, before filler is added, expressed in kg monomer VOM per Mg, as calculated using the formulas in Section 219.891(c~~b~~)(4) of this Subpart;

% Filler = The weight-percent of filler in the as-applied filled resin system.

f) The limitations in subsections (a) through (e) of this Section shall not apply to the following materials. These materials shall instead comply with the applicable requirements set forth in subsections (f)(1) through (f)(3).

1) Production resins, including skin coat resins, that must meet specifications for use in military vessels or must be approved by the United States Coast Guard for use in the construction of lifeboats, rescue boats, and other life-saving appliances approved under 46 CFR Subchapter Q, incorporated by reference in Section 219.112 of this Part, or for use in the construction of small passenger vessels regulated by 40 CFR Subchapter T, incorporated by reference in Section 219.112 of this Part. The owner or operator of a source subject to this Subpart shall apply all such resins with nonatomizing resin application equipment;

2) Production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch ups. These materials shall not exceed 1 percent, by weight, of all resins and gel coats used at a subject source on a 12-month rolling average basis;

3) Pure, 100 percent vinylester resins used for skin coats. The owner or operator of a source subject to this Subpart shall apply these resins with non-atomizing resin application equipment, and the total amount of the resins shall not exceed 5 percent, by weight, of all resins used at the subject source on a 12-month rolling-average basis.

g) No owner or operator of a source subject to this Subpart shall use VOM-containing cleaning solutions to remove cured resins and gel coats from fiberglass boat manufacturing application equipment. Additionally, no owner or operator shall use VOM-containing cleaning solutions for routine cleaning of application equipment unless:

1) The VOM content of the cleaning solution is less than or equal to 5 percent, by weight; or

2) The composite vapor pressure of the cleaning solution is less than or equal to 0.50 mmHg at 68°F.

h) No owner or operator of a source subject to this Subpart shall use resin or gel coat mixing containers with a capacity equal to or greater than 208 liters (55 gallons), including those used for on-site mixing of putties and polyputties, unless such containers have covers with no visible gaps in place at all times, except when material is being manually added to or removed from a container or when mixing or pumping equipment is being placed in or removed from a container.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.892 Testing and Monitoring Requirements

a) Testing to demonstrate compliance with the requirements of Section 219.891 of this Subpart shall be conducted by the owner or operator by May 1, 2012. Thereafter, testing shall be conducted within 90 days after a request by the Agency, or as otherwise specified in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.

b) Testing to demonstrate compliance with the monomer VOM content limitations for resin and gel coat materials in Section 219.891(b) of this Subpart shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, in accordance with SCAQMD 312-91, incorporated by reference in Section 219.112 of this Part.

c) The owner or operator of a source complying with this Subpart pursuant to Section 219.891(d) shall comply with the following:

1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, conduct an initial performance test of the control device in accordance with this subsection (c) that demonstrates compliance with the emission limitation determined pursuant to Section 219.891(d).

2) Subsequent to the initial performance test described in subsection (c)(1) of this Section, conduct at least one performance test per calendar year. Performance tests used to demonstrate compliance with Section 219.891(d) shall be conducted at least six months apart, unless the

performance test is being conducted following an exceedance of operating parameters as described in subsection (c)(3) of this Section, or per a request by the Agency.

3) Monitor and record relevant operating parameters, including the control efficiency of the control device and the amount of materials used in the fiberglass boat manufacturing process, during each control device performance test used to demonstrate compliance with Section 219.891(d). The owner or operator shall continue to operate the fiberglass boat manufacturing process within the parameters until another performance test is conducted that demonstrates compliance with Section 219.891(d). The owner or operator shall monitor the parameters at all times when the control device is in operation. If the fiberglass boat manufacturing process exceeds any operating parameter by more than 10 percent, the owner or operator shall conduct additional performance testing in accordance with this Section within 10 operating days after the exceedance;

4) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.891(d) of this Subpart, as follows:

A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part;

C) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

i) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

ii) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

iii) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest again using Method 25.

D) Notwithstanding the criteria or requirements in Method 25, which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F); and

E) During testing, the fiberglass boat manufacturing operation shall be operated at representative operating conditions and flow rates.

5) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator shall:

A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring

shall be performed at all times when the emissions control system is operating; and

B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.

6) If a carbon adsorber is used to demonstrate compliance, the owner or operator shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

7)~~6)~~ If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.891(d).

d) Testing to demonstrate compliance with the VOM content limitations for cleaning solutions in Section 219.891(g) of this Subpart, and with the non-monomer VOM content limitations for resin and gel coat materials in Section 219.891(a) of this Subpart, shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 219.112 of this Part, shall be used to demonstrate compliance; or

2) For cleaning solvents, the manufacturer's specifications for VOM content may be used if the manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance. In the event of any inconsistency between

a Method 24 test and the manufacturer's specifications, the Method 24 test shall govern.

e) The owner or operator of a source subject to this Subpart and relying on the VOM content of the cleaning solution to comply with Section 219.891(g)(1) of this Subpart shall:

1) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):

A) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and

B) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 219.891(g)(1);

2) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 219.894(g) of this Subpart.

f) Testing to demonstrate compliance with the VOM composite partial vapor pressure limitation for cleaning solvents set forth in Section 219.891(g) of this Subpart shall be conducted in accordance with the applicable methods and procedures set forth in Section 219.110 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.894 Recordkeeping and Reporting Requirements

a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 219.890(a) of this Subpart shall:

1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the following:

A) A declaration that the source is exempt from the requirements in this Subpart because of the criteria in Section 219.890(a);

B) Calculations that demonstrate that combined emissions of VOM from all subject fiberglass boat manufacturing operations (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operation) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from fiberglass boat manufacturing operations at the source (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operations) and divide the amount by the number of days during that calendar month that the fiberglass boat manufacturing operations were in operation;

2) Collect and record the following information and provide copies of the records to the Agency upon request:

A) The total pounds of all resins and gel coats used per calendar month;

B) The total gallons of all cleanup materials used per calendar month;

C) The VOM content of each resin, gel coat, and cleanup material used per calendar month;

D) The total VOM emissions, in pounds, for all resins, gel coats, and cleanup materials employed per calendar month, before the application of control systems and devices.

3)~~2)~~ Notify the Agency of any record that shows that the combined emissions of VOM from subject fiberglass boat manufacturing operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of the record upon request by the Agency.

b) All sources subject to the requirements of this Subpart shall:

1) By May 1, 2012, or upon initial start-up of the source, whichever is later, and upon start-up of a new fiberglass boat manufacturing operation at the source, submit a certification to the Agency that includes:

   A) Identification of each subject fiberglass boat manufacturing operation as of the date of certification;

   B) A declaration that all subject fiberglass boat manufacturing operations, including related cleaning operations, are in compliance with the requirements of this Subpart;

   C) The limitation with which each subject fiberglass boat manufacturing operation will comply (i.e., the VOM content limitation, the emissions averaging alternative, or the emissions control system alternative);

   D) Initial documentation that each subject fiberglass boat manufacturing operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;

   E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

   F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 219.891(h) of this Subpart;

   G) A description of each fiberglass boat manufacturing operation exempt pursuant to Section 219.890(b) of this Subpart, if any;

   H) A description of materials subject to Section 219.891(f) of this Subpart, if any, used in each fiberglass boat manufacturing operation;

2) At least 30 calendar days before changing the method of compliance in accordance with Section 219.891(b), (c), and (d), notify the Agency in

writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;

3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;

4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.

c) The owner or operator of a fiberglass boat manufacturing operation subject to the limitations of Section 219.891 of this Subpart and complying by means of Section 219.891(b) shall comply with the following.

1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each subject resin and gel coat as applied each day by each subject fiberglass boat manufacturing operation;

2) Collect and record the following information each day for each fiberglass boat manufacturing operation complying with Section 219.891(b):

A) The name, identification number, and VOM content of each subject resin and gel coat as applied each day by each fiberglass boat manufacturing operation; and

B) If complying with Section 219.891(b)(2), the mass of each open molding resin or gel coat as applied each month by each subject fiberglass boat manufacturing operation and the~~daily~~ weighted average VOM content of all subject resins and gel coats as applied by each subject fiberglass boat manufacturing operation.

d) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 219.891 of this Subpart and complying by means of Section 219.891(c) shall:

1) On and after May 1, 2012, collect and record the following information each month:

A) The amount of production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;

B) The VOM content of each production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;

C) Total monthly VOM emissions for all subject fiberglass boat manufacturing operations;

2) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:

A) The monomer VOM mass emission limit for all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period, with supporting calculations;

B) The total actual emissions of VOM from all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period.

e) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 219.891 of this Subpart and complying by means of Section 219.891(d) shall:

1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, submit a certification to the Agency that includes the following:

A) The type of control device used to comply with the requirements of Section 219.891(d);

B) The results of all tests and calculations necessary to demonstrate compliance with the requirements of Section 219.891(d); and

C) A declaration that the monitoring equipment required under Section 219.892 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;

2) Within 90 days after conducting testing pursuant to Section 219.892, submit to the Agency a copy of all test results, as well as a certification that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the fiberglass boat manufacturing operation is in compliance with Section 219.891(d) have been properly performed;

B) A statement whether the fiberglass boat manufacturing operations are or are not in compliance with Section 219.891(d);

C) The emissions limitation applicable during the control device performance test, with supporting calculations;

D) The operating parameters of the fiberglass boat manufacturing process during testing, as monitored in accordance with Section 219.892;

3) Collect and record daily the following information for each fiberglass boat manufacturing operation subject to the requirements of Section 219.891(d), and submit that information to the Agency upon request:

A) Afterburner or other approved control device monitoring data in accordance with Section 219.892 of this Subpart;

B) A log of operating time for the control device and monitoring equipment;

C) A maintenance log for the control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;

D) Information to substantiate that the fiberglass boat manufacturing operation is operating in compliance with the parameters determined pursuant to Section 219.892.

f) The owner or operator of a source subject to the requirements in Section 219.891(f) of this Subpart shall collect and record the following information for each fiberglass boat manufacturing operation:

1) The name and identification number of each material subject to Section 219.891(f) as applied each day by each subject fiberglass boat manufacturing operation;

2) If subject to Section 219.891(f)(2), the amount of production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch-ups, used each month at the subject source, and the total amount of all resins and gel coats used each month at the subject source;

3) If subject to Section 219.891(f)(3), the amount of pure, 100 percent vinylester resins used for skin coats each month at the subject source, and the total amount of all resins used each month at the subject source.

g) The owner or operator of a source subject to the requirements of Section 219.891 of this Subpart shall collect and record the following information for each cleaning solution used in each fiberglass boat manufacturing operation:

1) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.891(g) of this Subpart and that is prepared at the source with automatic equipment:

A) The name and identification of each cleaning solution;

B) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.892(d) of this Subpart;

C) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);

D) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

E) The VOM content of the as-used cleaning solution, with supporting calculations; and

F) A calibration log for the automatic equipment, detailing periodic checks;

2) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.891(g), and that is not prepared at the source with automatic equipment:

A) The name and identification of each cleaning solution;

B) Date and time of preparation, and each subsequent modification, of the batch;

C) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.892(d);

D) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and

E) The VOM content of the as-used cleaning solution, with supporting calculations;

3) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.891(g):

A) The name and identification of each cleaning solution;

B) Date and time of preparation, and each subsequent modification, of the batch;

C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.892(f) of this Subpart;

D) The total amount of each cleaning solvent, including water, used to prepare the as-used cleaning solution; and

E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.110 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

Section 219.901 Emission Limitations and Control Requirements

a) The owner or operator of a source subject to the requirements of this Subpart shall comply with the limitations in subsection (b), (c), or (d) of this Section, as well as with the limitations in subsections (e) and (f) of this Section. Notwithstanding this requirement, sources subject to Section 219.900(b)(2) shall comply with the limitations in subsection (f) of this Section only.

b) The owner or operator of adhesive application operations listed in this subsection (b) shall comply with the following VOM emission limitations, minus water and any compounds that are specifically exempted from the definition of VOM, as applied. If an adhesive is used to bond dissimilar substrates together, the substrate category with the highest VOM emission limitation shall apply:

		kg VOM/l adhesive or adhesive primer applied	lb VOM/gal adhesive or adhesive primer applied
1)	General adhesive application operations		
A)	Reinforced plastic composite	0.200	(1.7)
B)	Flexible vinyl	0.250	(2.1)
C)	Metal	0.030	(0.3)
D)	Porous material (except wood)	0.120	(1.0)
E)	Rubber	0.250	(2.1)

	F)	Wood	0.030	(0.3)
	G)	Other substrates	0.250	(2.1)
2)	Specialty adhesive application operations			
	A)	Ceramic tile installation	0.130	(1.1)
	B)	Contact adhesive	0.250	(2.1)
	C)	Cove base installation	0.150	(1.3)
	D)	Indoor floor covering installation	0.150	(1.3)
	E)	Outdoor floor covering installation	0.250	(2.1)
	F)	Installation of perimeter bonded sheet flooring	0.660	(5.5)
	G)	Metal to urethane/rubber molding or casting	0.850	(7.1)
	H)	Motor vehicle adhesive	0.250	(2.1)
	I)	Motor vehicle weatherstrip adhesive	0.750	(6.3)
	J)	Multipurpose construction	0.200	(1.7)
	K)	Plastic solvent welding (acrylonitrile butadiene styrene (ABS) welding)	0.400	(3.3)
	L)	Plastic solvent welding (except ABS welding)	0.500	(4.2)
	M)	Sheet rubber lining installation	0.850	(7.1)
	N)	Single-ply roof membrane installation/repair (except ethylene propylenediene monomer (EPDM) roof membrane)	0.250	(2.1)

O)	Structural glazing	0.100	(0.8)
P)	Thin metal laminate	0.780	(6.5)
Q)	Tire repair	0.100	(0.8)
R)	Waterproof resorcinol glue	0.170	(1.4)

3) Adhesive primer application operations

A)	Motor vehicle glass bonding primer	0.900	(7.5)
B)	Plastic solvent welding adhesive primer	0.650	(5.4)
C)	Single-ply roof membrane adhesive primer	0.250	(2.1)
D)	Other adhesive primer	0.250	(2.1)

c) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation unless the daily-weighted average VOM content of subject adhesives as applied each day by the operation, calculated in accordance with subsection (c)(1) of this Section, is less than or equal to the emissions limitation calculated in accordance with subsection (c)(2) of this Section.

1) Weighted Average of VOM Content of Adhesives Applied Each Day

$$VOM_{WA} = \frac{\sum_{i=1}^{n} V_i VOM_i}{\sum_{i=1}^{n} V_i}$$

$$\cancel{VOM_{WA}} = \frac{\sum_{i=1}^{n} M_i VOM_i}{\sum_{i=1}^{n} M_1}$$

where:

VOM_{WA} = The weighted average VOM content in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day;

i = Subscript denoting a specific adhesive as applied;

n = The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

$V\cancel{M}_i$ = The volume~~mass~~ of each adhesive, as applied, in units of ~~kg/~~l (~~lb/~~gal);

VOM_i = The VOM content in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied;

2) Allowable~~Mass~~ Weighted Average VOM Limit for an Averaging Operation

$$Limit_{WA} = \frac{\sum_{i=1}^{n} V_i Limit_i}{\sum_{i=1}^{n} V_i}$$

$$\cancel{Limit_{WA}} = \frac{\sum_{i=1}^{n} M_i Limit_i}{\sum_{i=1}^{n} M_i}$$

where:

$Limit_{WA}$ = The allowable~~mass~~ weighted average VOM limit in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day in a single operation;

i = Subscript denoting a specific adhesive as applied;

n = The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

V~~M~~$_i$ = The volume~~mass~~ of each adhesive, as applied, in units of ~~kg/~~l (~~lb/~~gal);

$Limit_i$ = The VOM limit, taken from subsection (b) of this Section, in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied.

d) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation employing a capture system and control device unless either:

1) An afterburner or carbon adsorption system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation;

2) An alternative capture and control system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation and is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~. The owner or operator shall submit a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; or

3) The owner or operator complies with the applicable limitation set forth in subsection (b) of this Section by utilizing a combination of low-VOM adhesives and an afterburner or carbon adsorption system. The owner or operator may use an alternative capture and control system if the owner or operator submits a plan to the Agency detailing appropriate monitoring

devices, test methods, recordkeeping requirements, and operating parameters for the capture and control system and the system is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~.

e) The owner or operator of a source subject to this Subpart shall apply all miscellaneous industrial adhesives using one or more of the following methods:

1) Electrostatic spray;

2) High volume low pressure (HVLP) spray;

3) Flow coating. For the purposes of this Subpart, flow coating means a non-atomized technique of applying coating to a substrate with a fluid nozzle with no air supplied to the nozzle;

4) Roll coating or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;

5) Dip coating, including electrodeposition. For purposes of this Subpart, "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created;

6) Airless spray;

7) Air-assisted airless spray; or

8) Another adhesive application method capable of achieving a transfer efficiency equal to or better than that achieved by HVLP spraying, if the method is approved in writing by the Agency.

f) The owner or operator of a source subject to this Subpart shall comply with the following work practices for each subject miscellaneous adhesive application operation at the source:

1) Store all VOM-containing adhesives, adhesive primers, process-related waste materials, cleaning materials, and used shop towels in closed containers;

2) Ensure that mixing and storage containers used for VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing those materials;

3) Minimize spills of VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials;

4) Convey VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials from one location to another in closed containers or pipes; and

5) Minimize VOM emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.902 Testing Requirements

a) Testing to demonstrate compliance with the requirements of this Subpart shall be conducted by the owner or operator by May 1, 2012. Thereafter, testing shall be conducted within 90 days after a request by the Agency, or as otherwise provided in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.

b) Testing to demonstrate compliance with the VOM content limitations in Section 219.901(b) of this Subpart shall be conducted as follows:

1) Method 24, incorporated by reference in Section 219.112 of this Part, shall be used for non-reactive adhesives. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant adhesive formulation data are

equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern;

2) Appendix A of 40 CFR 63, Subpart PPPP, incorporated by reference in Section 219.112 of this Part, shall be used for reactive adhesives;

3) The manufacturer's specifications for VOM content for adhesives may be used if the specifications are based on results of tests of the VOM content conducted in accordance with methods specified in subsections (b)(1) and (b)(2) of this Section, as applicable.

c) For afterburners and carbon adsorbers, the methods and procedures of Section 219.105(d) through (f) of this Part shall be used for testing to demonstrate compliance with the requirements of Section 219.901(d) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;

2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;

3) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used, except under the following circumstances, in which case Method 25A must be used:

A) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;

B) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon;

C) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates.

d) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 219.901(d) as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.901(d)(3).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.903 Monitoring Requirements

a) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator of a source subject to Section 219.901(d) of this Subpart shall:

1) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and

2) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring

devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.~~;~~

b) If a carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.901(d) of this Subpart shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

c)~~b)~~ If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.901(d) of this Subpart shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.901(d)(3).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 219.904 Recordkeeping and Reporting Requirements

a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 219.900(a) of this Subpart shall comply with the following:

1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

A) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 219.900(a);

B) Calculations that demonstrate that combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from miscellaneous industrial adhesive application operations at the source (including related cleaning activities) and divide this

amount by the number of days during that calendar month that miscellaneous industrial adhesive application operations at the source were in operation;

2) Collect and record the following information each month for each miscellaneous industrial adhesive application operation, maintain the information at the source for a period of three years, and provide the information to the Agency upon request:

A) The name and identification number of each adhesive as applied by each miscellaneous industrial adhesive application operation; and

B) The weight of VOM per volume and the volume of each adhesive (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month by each miscellaneous industrial adhesive application operation;

3) Notify the Agency of any record that shows that the combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of those records upon request by the Agency.

b) All sources subject to the requirements of this Subpart shall:

1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

A) Identification of each subject adhesive application operation as of the date of certification;

B) A declaration that all subject adhesive application operations are in compliance with the requirements of this Subpart;

C) The limitation with which each subject adhesive application operation will comply (i.e., the VOM content limitation, the daily weighted averaging alternative, or the emissions control system alternative);

D) Initial documentation that each subject adhesive application operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;

E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 219.901(f) of this Subpart;

G) A description of each adhesive application operation exempt pursuant to Section 219.900(b)(2) of this Subpart, if any; and

H) The application methods used by each subject adhesive application operation;

2) At least 30 calendar days before changing the method of compliance in accordance with Section 219.901(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;

3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;

4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.

c) The owner or operator of an adhesive application operation subject to the limitations of Section 219.901 of this Subpart and complying by means of Section 219.901(b) shall comply with the following:

1) By May 1, 2012, or upon the initial start-up date, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;

2) Collect and record the name, identification number, and VOM content of each adhesive as applied each day by each adhesive application operation complying with Section 219.901(b).

d) The owner or operator of an adhesive application operation subject to the limitations of Section 219.901 of this Subpart and complying by means of Section 219.901(c) shall comply with the following:

1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;

2) Collect and record the following information each day for each adhesive application operation complying by means of Section 219.901(c):

A) The name, identification number, ~~and~~ VOM content, and volume of each adhesive as applied each day by each subject adhesive application operation;

B) The daily weighted average VOM content of all adhesives as applied by each subject adhesive application operation.

e) The owner or operator of an adhesive application operation subject to the requirements of Section 219.901 of this Subpart and complying by means of Section 219.901(d) shall:

1) By May 1, 2012, or upon the initial start-up date, whichever is later, and upon initial start-up of a new control device, submit a certification to the Agency that includes the following:

A) The type of afterburner or other approved control device used to comply with the requirements of Section 219.901(d);

B) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.901(d); and

C) A declaration that the monitoring equipment required under Section 219.903 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;

2) Within 90 days after conducting testing pursuant to Section 219.902 of this Subpart, submit to the Agency a copy of all test results, as well as a certification that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the adhesive application operations are in compliance with Section 219.901(d) have been properly performed;

B) A statement whether the adhesive application operations are or are not in compliance with Section 219.901(d); and

C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.903 of this Subpart;

3) Collect and record daily the following information for each adhesive application operation subject to the requirements of Section 219.901(d):

A) Afterburner or other approved control device monitoring data in accordance with Section 219.903 of this Subpart;

B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated application unit; and

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Purchases and Contracts

2) Code Citation: 44 Ill. Adm. Code 500

3)

Section Numbers:	Adopted Action:
500.40	Amendment
500.60	Amendment
500.70	Amendment
500.260	New
500.300	Amendment
500.310	Amendment
500.320	Amendment
500.330	Amendment
500.340	Amendment
500.350	Amendment
500.360	Amendment
500.370	Amendment
500.380	Amendment
500.390	Amendment
500.395	New
500.410	Amendment
500.420	Amendment
500.430	Amendment
500.600	Amendment
500.700	Amendment
500.800	Amendment
500.900	Amendment
500.910	Amendment
500.1010	Amendment
500.1015	New
500.1030	Amendment
500.1110	Amendment
500.1130	Amendment
500.1140	Amendment
500.1145	New
500.1148	New
500.1160	Amendment
500.1170	Amendment
500.1180	Amendment

NOTICE OF ADOPTED AMENDMENTS

500.1190	Amendment
500.1195	New
500.1197	New
500.1199	New
500.1200	Amendment
500.1210	Amendment
500.1215	New
500.1217	New
500.1218	New
500.1220	Amendment
500.1235	New
500.1238	New
500.1240	Amendment
500.1250	Amendment
500.1265	New
500.1267	New
500.1275	New
500.1285	New
500.1300	Amendment
500.1320	Amendment
500.1330	Amendment
500.1500	Amendment
500.1540	Amendment

4) Statutory Authority: Implementing and authorized by Section 1-30(b) of the Illinois Procurement Code [30 ILCS 500/1-30(b)] and Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12]

5) Effective Date of Rulemaking: April 1, 2011

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 Illinois Register: November 29, 2010; 34 Ill. Reg. 18010

NOTICE OF ADOPTED AMENDMENTS

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: In Section 500.70, added ", found on the Illinois Procurement Policy Board website (ppb.illinois.gov) and updated annually," after the word "construction" in the second line; eliminated proposed change to Section 500.230; and in Section 500.330(a)(2) added the following after the last sentence: "Changes to the small purchase maximums can be found on the Illinois Procurement Policy Board website (ppb.illinois.gov) and updated annually."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, see answer to question 11.

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: The Auditor General's procurement rules need to be updated to address changes in the Illinois Procurement Code, including Public Acts 96-795, 96-920, and 96-1444. Significant changes include: requiring all contract awards to be posted on the Auditor General Procurement Bulletin; requiring hearings for extensions to emergency purchases and for sole source contracts; strengthening requirements for contractors and subcontractors; requiring report of procurement communications; and making changes in contractor and subcontractor conflict of interest disclosures, financial disclosures and certifications.

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

Rebecca Patton
Office of the Auditor General
740 E. Ash St.
Springfield, IL 62703

217/782-6698 or 888/261-2887 (TTY)

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

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER I: AUDITOR GENERAL

PART 500
PURCHASES AND CONTRACTS

SUBPART A: GENERAL

Section
500.10 Title
500.20 Policy
500.30 Application
500.40 Definition of Terms Used in This Part
500.50 Property Rights
500.60 Department of Central Management Services
500.70 Capital Development Board

SUBPART B: PROCUREMENT AUTHORITY

Section
500.100 Conduct of Procurements
500.110 Small Business Specialist

SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

Section
500.200 Auditor General Volume of Illinois Procurement Bulletin
500.210 Publication of Auditor General Bulletin
500.220 Required Use of Auditor General Bulletin
500.230 Supplemental Notice
500.240 Error in Notice
500.250 Direct Solicitation
500.260 Retention of Bulletin Information

SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section

500.300 General Provisions
500.310 Competitive Sealed Bidding
500.315 Multi-Step Sealed Bidding
500.320 Competitive Sealed Proposals
500.330 Small Purchases
500.340 Sole Economically Feasible Source Procurement
500.350 Emergency Procurements
500.360 Other Methods of Source Selection
500.370 Tie Bids and Proposals
500.380 Mistakes
500.390 Cancellation of Solicitations; Rejection of Offers
500.395 Public Procurement File

SUBPART E: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section
500.400 Suppliers
500.410 Vendor List/Required Use
500.420 Prequalification
500.430 Responsibility

SUBPART F: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
500.500 Security Requirements

SUBPART G: SPECIFICATIONS

Section
500.600 Specifications

SUBPART H: CONTRACT TYPE

Section
500.700 Types of Contracts

SUBPART I: DURATION OF CONTRACTS

Section

500.800 Duration of Contracts

SUBPART J: CONTRACT MATTERS

Section
500.900 Prevailing Wage
500.910 Filing with Comptroller
500.920 Equal Employment Opportunity; Affirmative Action

SUBPART K: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
500.1000 Applicability
500.1010 Method of Source Selection
500.1015 Historic Area Preference
500.1020 Request for Information
500.1030 Lease Requirements
500.1040 Purchase Option
500.1050 Rent Without Occupancy
500.1060 Local Site Preferences

SUBPART L: PREFERENCES

Section
500.1110 Resident Vendor Preference
500.1120 Soybean Oil-based Ink
500.1130 Recycled Supplies~~Materials~~
500.1140 Recyclable Supplies~~Paper~~
500.1145 Environmentally Preferable Procurement
500.1148 Biobased Products
500.1150 Correctional Industries
500.1160 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities~~Sheltered Workshops for the Disabled~~
500.1170 Gas Mileage
500.1180 Small Business
500.1190 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
500.1195 Illinois Agricultural Products
500.1197 Corn-based Plastics

500.1199 Disabled Veterans

SUBPART M: ETHICS

Section
500.1200 Bribery
500.1210 Felons
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SUBPART N: PROTESTS AND REMEDIES

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500.1300 Suspension
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500.1550 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 1-30(b) of the Illinois Procurement Code [30 ILCS 500/1-30(b)] and Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12].

SOURCE: Old Part repealed and new Part adopted at 24 Ill. Reg. 1836, effective February 7, 2000; amended at 35 Ill. Reg. 5307, effective April 1, 2011.

SUBPART A: GENERAL

Section 500.40 Definition of Terms Used in This Part

As used throughout this Part, each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" − The response to an Invitation for Bids.

"Bidder" − The person or entity submitting a bid.

"Brand Name or Equal Specification" − A specification that uses one or more manufacturer's names or catalog numbers to describe the standard of quality, performance, and other characteristics needed to meet OAG requirements, and that allows the submission of equivalent products.

"Brand Name Specification" − A specification limited to one or more items by manufacturers' names or catalog numbers.

"~~DCMS" or~~ "CMS" − The Department of Central Management Services.

"Code" − The Illinois Procurement Code [30 ILCS 500].

"Consulting Services" − Services provided by a business or person as an independent contractor to advise and assist the OAG in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in this Part.

"Contract" − A contract may be in written or oral form. The term contract as used in this Part does not include supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission. The term contract includes, but is not limited to, purchase, installment purchase, lease and rental contracts, and includes renegotiated contracts, amendments to contracts and change orders.

"Contractor" or "Vendor" − The terms contractor and vendor are used interchangeably for purposes of this Part. When appropriate, the term "vendor" shall also include subcontractors.

"Day" − Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"Invitation for Bids" or "IFB" − The process by which the OAG requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.

"Items" − Anything that may be procured under this Part.

"OAG" − The Office of the Auditor General.

"Offer" − A bid, proposal or response solicited by the OAG.

"Offeror" − The person or entity submitting a bid, proposal or response solicited by the OAG. A person or entity (other than an individual acting as a sole proprietor) may qualify as a bidder or offeror only if the person or entity is a legal entity authorized to do business in Illinois prior to submitting the bid, offer or

proposal.

"Procurement Officer" − One or more OAG employees who serve at the direction of the Chief Procurement Officer of the OAG (CPO) and are responsible for conducting OAG procurement activity.

"Proposal" − The response to a Request for Proposals.

"Proposer" − The person or entity submitting a proposal.

"Qualified Products List" − An approved list of supplies described by model or catalog numbers that, prior to competitive solicitation, the OAG has determined will meet the applicable specification requirements.

"Request for Information" or "RFI" − The process by which the OAG requests information from offerors for OAG contracts for leases of real property or capital improvements.

"Request for Proposals" or "RFP" − The process by which the OAG requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.

"Respondent" − The person or entity submitting a response to a Request for Information from the OAG.

"Response" − A response to a Request for Information.

"Responsible Offeror" − A person or entity that is capable in all respects of performing fully the contract requirements and has the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid, proposal or offer is submitted for a State contract.

"Responsive Offeror" − A person or entity that has submitted an offer conforming in all material respects to the solicitation.

"Service" − The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance and the financing thereof.

"Solicitation" − An Invitation for Bids, Request for Proposals or Request for Information.

"Specification" − Any description of the physical, functional, or performance characteristics, or of the nature of a supply, service or construction item. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service or construction item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" − A specification that has been developed and approved for repeated use in procurements.

"Subcontract" – A contract between a person and another person who has or is seeking a State contract, pursuant to which the subcontractor provides to the contractor or another subcontractor some or all of the goods, services, property, remuneration or other forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency.

"Subcontractor" – A person or entity that enters into a contractual agreement with another person or entity who has or is seeking a State contract pursuant to which the person or entity provides some or all of the goods, services, property, remuneration or other forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract.

"Supplies" − All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.60 Department of Central Management Services

a) To the extent practicable and available, the OAG may obtain the following goods and services from or through CMS or another State agency with appropriate procurement authority without soliciting independent bids, proposals or responses:

1) employee benefits authorized under the State Employees Group Insurance Act or other law;

2) financing of any procurement;

3) paper, stationery and envelopes, and any other goods or services available from the Paper and Printing Warehouse;

4) postage stamps;

5) property, casualty, liability and other insurance and bonds;

6) telecommunications equipment, services and software;

7) utilities;

8) vehicles and vehicle services, including fleet management and repairs;

9) electronic data processing services, including Central Computing Facility services;

10) leases of real estate and any capital improvements to leased real estate for OAG use; and

11) any other supplies and services, including those available through master, scheduled or open-ended contracts established by CMS or another State agency with appropriate procurement authority.

b) The CPO may submit purchase requests to CMS or another State agency with appropriate procurement authority in accordance with applicable~~CMS~~ rules.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.70 Capital Development Board

Any construction or construction-related professional and artistic services in excess of the small purchase threshold for construction, found on the Illinois Procurement Policy Board website (ppb.illinois.gov) and updated annually,~~$30,000~~ necessary for the OAG will be procured by the CPO of the Capital Development Board or by any other appropriate State agency CPO~~of CMS~~.

Any request for such services will be submitted to the appropriate CPO~~CPO-CDB or CPO-CMS~~ in accordance with applicable~~CDB or CMS~~ rules. In the event of an emergency, the CPO may arrange for such construction as is necessary to protect the property and records of the OAG pending the making of arrangements with the appropriate State agency CPO~~CDB or CMS~~.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

Section 500.260 Retention of Bulletin Information

Information published in the Auditor General Bulletin shall be retained in electronic or paper form for a period of one year after first publication.

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section 500.300 General Provisions

a) Late Offers, Late Withdrawals and Late Modifications

1) Definition. Any bid, proposal, modification or withdrawal~~offer~~ received after the time and date for receipt~~, or at other than the specified location,~~ is late. An offer that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the OAG shall not be responsible for ensuring such subsequent delivery.~~Any withdrawal or modification of an offer received after the time and date set for opening of offers, or at other than the specified location, is late.~~

2) Treatment. No late offer, late modification, or late withdrawal will be considered unless the CPO, and not a designee, determines it would have been timely but for the action or inaction of OAG personnel directly serving the procurement activity (e.g., providing the wrong address).

3) Records. Records shall be made and, in accordance with OAG policy, kept for each late offer, late modification, or late withdrawal.

4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late offer.

b) Extension of Time

1) The Procurement Officer may, prior to the date or time for submitting or modifying an offer, extend the date or time for the convenience of the OAG.

2) After opening offers, the Procurement Officer may request offerors who submitted timely offers to extend the time during which the OAG may accept the offers, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit offers.

c) Electronic and Facsimile Submissions

1) The solicitation may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the solicitation.

2) Electronic submissions will be opened in accordance with OAG electronic security measures in effect at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.

3) Fax submissions will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.

d) Intent to Submit
The solicitation may require that vendors submit, by a certain time and date, a notice of their intent to submit an offer in response to the solicitation. Offers submitted without complying with the notice of intent requirement may be rejected.

e) Only One Offer Received
If only one offer is received, an award may be made to the single offeror if the

Procurement Officer finds that the price submitted is fair and reasonable, and that either other prospective offerors had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise:

1) new offers may be solicited, including under sole source (Section 500.340) or emergency (Section 500.350) procedures; or

2) the procurement may be canceled.

f) Alternate or Multiple Offers

1) Alternate offers may be accepted if:

A) permitted by the solicitation and in accordance with instructions in the solicitation; or

B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 500.340 (Sole Economically Feasible Source Procurement) of this Part; or

C) the low offeror, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.

2) Multiple offers may be accepted if:

A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or

B) only one vendor responded, then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.

g) Multiple Items
A solicitation may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.

h) "All or None" Offers

All or none offers may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

i) Conditioning Offers Upon Other Awards
Any offer that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:

1) be rejected unless the vendor removes the condition; or

2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other solicitation provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.

j) Unsolicited Offers

1) Processing of Unsolicited Offers. The Procurement Officer may consider unsolicited offers.

2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the OAG.

3) Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of this Part except if that unsolicited offer meets the requirements for a small (Section 500.330), sole source (Section 500.340), or emergency (Section 500.350) procurement.

k) Clarification of Offers
The Procurement Officer may request that a vendor clarify its offer as a part of the evaluation process. A vendor shall not be allowed to materially change its offer in response to a request for clarification. A clarification is not an opportunity to make changes or for submission of best and finals as authorized elsewhere in this Part.

~~l) Supplementary Purchases~~

~~1) Supplementary purchases will be permitted under the following~~

~~conditions:~~
~~When the OAG issues an award after following the sealed bid or sealed proposal procedure, it may, at any time within 90 days thereafter, issue additional purchase orders or contracts to the same contractor or amendments to the original purchase order or contract for an additional quantity at the same unit price and on the same terms and conditions, if:~~

~~A) The contractor indicates that the additional purchase orders or contracts will be accepted if issued.~~

~~B) The market price of the commodities, services, or equipment in question has not gone down since the original purchase.~~

~~C) The amount of the additional purchases is not of such magnitude as to constitute a substantial or material variation from the first purchase order or contract.~~

~~2) Notices of supplementary purchases in excess of the small purchase limits shall be published in the next available Auditor General Bulletin.~~

l~~m~~) Assignment, Novation or Change of Name

1) Assignment. No OAG contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer, provided, however, that a vendor may assign money receivable under a contract after due notice to the OAG. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the OAG.

2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:

A) the transferee assumes all of the transferor's obligations;

B) the transferee meets all requirements for contracting with the OAG;

C) the transferor waives all rights under the contract as against the

OAG; and

D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the OAG, furnish a satisfactory performance bond.

3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with the OAG. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

m~~n~~) Use of Source Selection Method that is Not Required
If a method of source selection is used that it is not, by law, required (e.g., use of a competitive sealed bid for a small purchase), strict compliance with the rules governing the method of source selection used is not required.

n~~o~~) Vendor Signature
An offer submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.

o~~p~~) Stringing
Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.

p~~q~~) Confidential Data
Vendors must clearly identify in writing any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.

q) Notice of Subcontractor
Any contract entered into under this Part shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all subcontractors and the expected amount of money each will receive under the contract. If, at any time during the term of a contract, a contractor adds or changes any subcontractors, the contractor shall promptly notify, in writing, the Procurement Officer of the names and addresses and the expected amount of money each new or replaced subcontractor will receive. The contractor shall provide the Procurement Officer with a copy of any subcontract with an annual

value of more than $25,000 within 20 days after the execution of the State contract or after execution of the subcontract, whichever is later.

r) Reverse Auction

1) Use. The CPO, or his or her designee, may procure supplies or services through a competitive electronic auction bidding process if the CPO determines that the use of such a process will be in the best interest of the State.

2) Process. An invitation for bids shall be issued and shall include a procurement description, all material contractual terms, whenever practical, and conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner. Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction.

3) Notice. Public notice of the electronic auction bidding process shall be published in the Auditor General Bulletin at least 14 days before the date set for the opening of bids. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

4) Award. The contract shall be awarded within 60 days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected. Extension of the date for award may be made by mutual written consent of the Procurement Officer and the lowest responsible bidder.

5) Prohibition. This subsection (r) does not apply to procurements of professional and artistic services, telecommunications services, communication services or information services, or contracts for construction projects.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.310 Competitive Sealed Bidding

a) Application
Competitive sealed bidding is the required method of source selection except as allowed by this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.

b) The Invitation for Bids

1) Use. The Invitation for Bids (IFB) is used to initiate a competitive sealed bid procurement.

2) Content. The IFB shall include, at a minimum, the following:

A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, and the maximum time for bid acceptance;

B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and

C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

3) Incorporation by Reference. The IFB may incorporate documents by reference provided that the IFB specifies where such documents can be obtained.

c) Bidding Time
Bidding time is the period of time between the date of notice or distribution of the IFB and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by this Part.

d) Bidder Submissions
Bid Form. The IFB may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.

e) Public Notice

1) Publication. Every new procurement for supplies and services in excess of the small purchase amount that must be procured using an IFB shall be publicized in the Auditor General Bulletin at least 14 days before the date set for bid opening.

2) Public Availability. A copy of the IFB shall be made available for public inspection.

3) Distribution. IFBs or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where the IFB may be obtained, generally describe what is needed, and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the IFB.

f) Pre-Bid Conference
Pre-bid conferences may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as part of the IFB or, if the IFB has been issued, to all prospective bidders known to have received an IFB. The conference may be designated as attendance mandatory or attendance optional. The conference should be held long enough after the IFB has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparation of bids. Nothing stated at the pre-bid conference shall change the IFB unless a change is made by written amendment to the IFB. ~~Minutes of the conference shall be supplied to all those prospective bidders known to have received an IFB, unless the conference is mandatory, in which case the minutes shall be supplied to attendees only.~~

g) Amendments to Invitations for Bids

1) Form. Amendments to IFBs shall be clearly identified and shall reference the portion of the IFB being amended.

2) Distribution. Amendments shall be made available~~sent~~ to all prospective bidders known to have received an IFB or, if a conference was held and

attendance was mandatory, only to those prospective bidders who attended.

3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by e-mail, fax or telephone and confirmed in the amendment.

h) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the IFB prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

i) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording

A) Bids and modifications shall be opened publicly at the time, date, and place designated in the IFB. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

B) All bids, except as otherwise provided in subsection (i)(3) of this Section, and the bid record, shall be available for public inspection after award.

3) Confidential Data. The Procurement Officer shall examine the bids to determine the validity of any written requests for nondisclosure of trade secrets or other proprietary data. If the parties do not agree as to the disclosure of data or other information, the bid shall be rejected as nonresponsive.

j) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB, except as permitted by this Part. The IFB shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the IFB.

2) Responsibility. Responsibility of prospective vendors is covered by Section 500.430 (Responsibility) of this Part.

3) Responsiveness. A bid must conform in all material respects to the IFB.

A) Product or Service Acceptability. The IFB shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:

i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;

ii) examination of such elements as appearance, finish, taste, or feel;

iii) other examinations to determine whether it conforms with

any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the IFB. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the OAG in accordance with the evaluation criteria set forth in the IFB. Only objectively measurable criteria that are set forth in the IFB shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost, administrative cost, and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the OAG has available concerning future use and shall provide for the equitable treatment of all bids.

5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

k) Documentation of Award
Following award, a record showing the successful bidder shall be made a part of the procurement file.

l) Award to Other Than Low Bidder

1) The Procurement Officer may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. A description of the agency's needs, a determination that the anticipated cost will be fair and reasonable, a listing of all responsible and responsive bidders, and the~~The~~ name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Auditor General Bulletin.

2) This action may be appropriate when the difference in quality or speed of

delivery is so great as compared to the difference in price, and considering the OAG's needs, that a best value award is justified. However, if the difference in price is significant, the Procurement Officer may not utilize this provision.

m) Publicizing Award
The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. Notice~~ In procurements over the small purchase limit set in Section 500.330 (Small Purchases) of this Part, notice~~ of award shall be issued electronically to all offerors submitting responses to the solicitation and published in the Auditor General Bulletin no later than the next business day following award.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.320 Competitive Sealed Proposals

a) The Competitive Sealed Proposal method of source selection shall be used to procure professional and artistic services, except as otherwise provided in subsection (b) of this Section. Other supplies and services may be procured through the Competitive Sealed Proposal method of source selection, on a case-by-case basis, when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or advantageous.

1) "Professional and artistic services" means those services provided under contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].

2) "Practicable" Distinguished from "Advantageous". As used in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest.

A) Factors to be considered in determining whether competitive sealed bidding is not practicable include:

i) whether the contract needs to be other than a fixed-price type;

ii) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;

iii) whether offerors may need to be afforded the opportunity to revise their proposals, including price;

iv) whether award may need to be based upon a comparative evaluation, as stated in the RFP, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and

v) whether the primary consideration in determining award may not be price.

B) Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

i) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and

ii) whether the factors listed in subsection (a)(2)(A) of this Section are desirable, in conducting a procurement, rather than necessary.

b) All new procurements of professional and artistic services shall be made using the procedures contained in this Section, except:

1) Procurements under Section 500.330 (Small Purchases);

2) Procurements under Section 500.340 (Sole Source Procurement);

3) Procurements under Section 500.350 (Emergency Procurements);

4) Procurements of contract audit services pursuant to subsection (c) of this Section; and

5) Procurements subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535].

c) Contract Audit Rotation

1) Auditor Retention Policy. Initial audits by a contractor involve audit hours to identify key records and personnel, become familiar with agency operations and the electronic data processing environment, determine what internal controls and procedures are in place, and develop agency specific audit programs. Retaining a contractor for successive audits of the same agency generally allows audits to be conducted more economically, efficiently and effectively, and minimizes audit effort by both the contractor and the agency under audit. Professional auditing standards generally recognize the importance of an auditor retention policy.

2) Rotation Policy. To maximize the efficiencies obtained by auditor retention, it is the OAG's general policy, subject to the OAG's sole discretion, to maintain the same contractor on an audit engagement for six successive fiscal years, subject to an examination of such factors including but not limited to performance review, the satisfactory negotiation of terms (including price) and the annual availability of an appropriation.

3) Emergency Purchases. The term of a contract for audit or examination services procured in compliance with the emergency purchase provisions of Section 500.350 shall not be limited to 90 days but shall be valid until the completion of the audit or examination to which the contract relates.

d) Contents
The RFP shall be in the form specified by the Procurement Officer and shall contain at least the following information:

1) instructions and information to proposers concerning the proposal submission requirements, including the time and date set for receipt of proposals, and the address of the office to which proposals are to be delivered;

2) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description;

3) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:

A) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;

B) the abilities, qualifications, and experience of key persons who would be assigned to provide the required services;

C) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the RFP;

D) a plan, giving as much detail as is practical, explaining how the services will be performed; and

4) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package).

e) Prequalification
The Procurement Officer shall maintain a list of prequalified professional and artistic vendors in accordance with Section 500.420 of this Part. Persons may amend statements of qualifications at any time by filing a new statement. Failure of a professional and artistic vendor to prequalify shall not be cause for rejection of a proposal provided that the responsive offeror supplies with its proposal all information defined by the prequalification process.

f) Public Notice

1) Proposals shall be obtained by issuing an RFP. Notice of Intent to Issue an RFP may be made by the Procurement Officer.

2) Availability of the RFP shall be published in the Auditor General Bulletin at least 14 days before proposals are due.

3) The RFP shall also be distributed to prequalified persons expressing interest in performing the services required by the proposed contract.

g) Pre-Proposal Conference
A pre-proposal conference, if appropriate, shall be conducted in accordance with Section 500.310(f) (Pre-Bid Conference). Such a conference may be held anytime prior to the date established for submission of proposals.

h) Receipt and Registration of Proposals
Proposals shall not be opened publicly but shall be opened in the presence of at least one witness. Proposals and modifications shall be time-stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of proposals, a Register of Proposals shall be prepared which shall include for all proposals the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service offered. All proposals, except as otherwise provided in subsection (i) of this Section, and the Register of Proposals, shall be available for public inspection after award.

i) Confidential Data
The Procurement Officer shall examine the proposals to determine the validity of any written requests from the vendor for nondisclosure of trade secrets or other proprietary data. If the parties do not agree as to the disclosure of data or other information, the proposal shall be rejected as non-responsive.

j) Evaluation of Proposals
The requests for proposals shall state the relative importance of price and other evaluation factors. Proposals shall be submitted in 2 parts: the first, covering items except price, and the second, covering price. The first part of all proposals shall be evaluated and ranked independently of the second part of all proposals. ~~The evaluation shall be based on the evaluation factors set forth in the RFP.~~ Factors not specified in the RFP shall not be considered. Numerical rating systems may be used but are not required.

k) Discussions

NOTICE OF ADOPTED AMENDMENTS

1) Discussions Permissible. The Procurement Officer may conduct discussions with any offeror to:

A) promote understanding of the OAG's requirements and the offerors' proposals;

B) determine in greater detail such offeror's qualifications;

C) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach; and

D) facilitate arriving at a contract that will be most advantageous to the OAG, taking into consideration price and the other evaluation factors set forth in the RFP.

The Procurement Officer may allow changes to the proposal based on those discussions.

2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and information contained in any proposals shall not be disclosed until after award of the proposed contract has been made.

3) Best and Final Offers. The Procurement Officer may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the OAG's requirements and require another submission of best and final offers. The scope of the best and final and the number of offerors allowed to participate shall be defined by the Procurement Officer. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

4) Nothing in this Section shall prohibit the Procurement Officer from making a selection that represents the best value, qualifications, price and other relevant factors established in the RFP being considered. The Procurement Officer may, in considering best value, determine the

proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.

l) Award
An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the OAG, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made. If the price of the most qualified vendor is not the lowest price, and if the price exceeds $25,000, the Procurement Officer must state in writing why a vendor other than the low priced vendor was selected and that determination must be published in the Auditor General Bulletin.
~~based on the factors set forth in the RFP.~~

m) Publicizing Awards
~~The successful offeror shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. When the award exceeds the small purchase limit set in Section 500.330 of this Part, notice~~ Notice of award shall be issued electronically to all offerors submitting responses to the solicitation and published in the Auditor General Bulletin no later than the next business day following award.

~~n) Notice of Subcontractor~~
~~Any contract for professional and artistic services entered into under this Section 500.320 shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all subcontractors and the expected amount of money each will receive under the contract. If at any time during the term of a contract, a contractor adds or changes any subcontractors, the contractor shall promptly notify, in writing, the Procurement Officer of the names and addresses and the expected amount of money each new or replaced subcontractor will receive.~~

n~~o~~) Pre-solicitation Request for Information
When the Procurement Officer does not have sufficient information about available supplies or services to issue an RFP, the Procurement Officer may issue a Pre-solicitation request for information inviting vendors to submit non-price information about the availability of specified types of supplies or services. Public notice of the Pre-solicitation request for information shall be published in the Auditor General Bulletin at least 14 days before the date set for the receipt of

information. The submission of information by a vendor in response to a Pre-solicitation request for information is not a prerequisite for that vendor to respond to a subsequent IFB or RFP for the types of supplies or services for which information was solicited, and the issuance of a Pre-solicitation request for information does not commit the OAG to make any procurement of supplies or services of any kind. Confidential information will not be accepted from a vendor in response to a Pre-solicitation request for information.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.330 Small Purchases

a) Application

1) Procurements of $33,500~~$25,000~~ or less for supplies or services, other than professional and artistic, of less than $20,000 for professional and artistic services, and of $40,100~~$30,000~~ or less for construction, may be made without advance notice, competition or use of any prescribed method of source selection.

2) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS or another State agency with appropriate authority, for All Urban consumers for the period ending December 31, 1998, and for each year thereafter, shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter. Changes to the small purchase maximums can be found on the Illinois Procurement Policy Board website (ppb.illinois.gov) and updated annually.

b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. Where the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)~~ above~~).

d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

e) Notice of award shall be published in the Auditor General Bulletin no later than 10 business days after the contract is awarded.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.340 Sole Economically Feasible Source Procurement

a) Application
The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 500.330 (Small Purchases) or unless emergency conditions exist as defined in Section 500.350 (Emergency Procurements) of this Part.

b) Conditions for Use of Sole Source Procurement
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:

1) where the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;

2) where a sole supplier's items are needed for trial use or testing;

3) where a sole supplier's item is to be procured for commercial resale;

4) where public utility regulated services are to be procured;

5) where the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;

6) the procurement of the media for advertising;

7) the procurement of art, educational (including training for continuing professional education) or entertainment services; and

8) changes to existing contracts (see subsection (c)).

c) Changes

1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.

2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 500.330 of this Part, or that is an emergency as defined in Section 500.350 of this Part, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures.

3) The sole source exception may not be used as a basis for amending a contract for professional or artistic services if the amendment would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed 2 months.

d) Procurement Officer to Determine
The Procurement Officer shall determine whether a procurement shall be made as a sole source. The determination and its basis shall be in writing.

e) Sole Source Process~~Publication of Sole Source Notice~~

1) Hearing: A contract may not be awarded as a sole source procurement unless approved by the Procurement Officer following a public hearing at which the Procurement Officer presented written justification for the procurement method. The public may present testimony at the hearing.

2) Publication: Before entering into a sole source contract, a Procurement Officer must publish a written description of intent to enter into a sole source contract along with a description of the item to be procured and the intended sole source contractor. The notice shall include the sole source procurement justification, a description of the item to be procured, the intended sole source contractor, and the date, time and location of the public hearing. This notice must be posted in the Auditor General Bulletin before a sole source contract is awarded and at least 14 days before the sole source hearing.~~The Procurement Officer shall publish in the Auditor General Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.~~

~~1) If no challenge to this determination is made by a vendor within the 14 day period, the OAG may execute a contract with that vendor.~~

3~~2~~) The~~If a challenge is received, the~~ Procurement Officer shall consider any~~the~~ information provided as a result of the public hearing and publication. The Procurement Officer~~and~~ shall commence a competitive procurement if the Procurement Officer determines that more than one economically feasible source may be available and the sole source designation is not appropriate, unless an emergency situation exists.

f) Negotiation in Sole Source Procurement
The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

1) the vendor's name;

2) the amount and type of the contract;

3) what was procured; and

4) the identification number of the contract file.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.350 Emergency Procurements

a) Application
The provisions of this Section apply to every procurement over the small purchase limit set in Section 500.330 (Small Purchases) of this Part and that is not a sole source procurement under Section 500.340 of this Part made under emergency, including quick purchase, conditions.

b) Definition of Emergency Conditions
Procurements may be made under this Section 500.350 in the following circumstances:

1) Traditional circumstances include but are not limited to:

A) public health or safety, including the health or safety of any particular person, is threatened;

B) immediate repairs are needed to OAG property to protect against further loss or damage to OAG property, or to prevent loss or damage to OAG property;

C) immediate action is needed to prevent or minimize serious disruption in critical OAG services that affect health, safety or collection of substantial State revenues;

D) action is needed to ensure the integrity of State~~OAG~~ records;

E) equipment or services are necessary in the furtherance of covert activities (including the conduct of audits and investigations) lawfully conducted by the OAG. Any required disclosures may be postponed or shall be made so as not to jeopardize those covert activities;

F) immediate action is necessary to avoid lapsing or loss of federal or donated funds; or

G) the need for items to protect or further State~~OAG~~ interests is immediate and use of other competitive source selection procedures under this Part cannot be accomplished without significant risk of causing serious disadvantage to the State~~OAG~~.

2) After Unsuccessful Competitive Sealed Bidding or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or non-competitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding or competitive sealed proposals, an emergency procurement may be made.

3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the OAG.

4) Quick Purchase

A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the OAG than instituting a competitive procurement under the provisions of this Part for the supplies or services;

B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;

C) availability of rare items, such as books of historical value;

D) the procurement is for entertainment.

c) Scope and Duration of Emergency Conditions
Emergency procurements shall be limited to those supplies, services or construction items necessary to meet the emergency. Except as otherwise provided in Section 500.320(c)(3), the term of the emergency purchase shall be

limited to the time reasonably needed for a competitive procurement, not to exceed 90 days. A contract may be extended beyond 90 days if the Procurement Officer determines additional time is necessary and the contract scope and duration are limited to the emergency. Prior to execution of the extension, the Procurement Officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony.

d) Source Selection Methods
Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

e) Determination and Record of Emergency Procurement

1) Determination. The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular contractor. Such determinations shall be kept in the contract file.

2) Record. An affidavit of each emergency procurement shall be filed with the Auditor General within 10 days after the procurement and shall include the following information:

A) the vendor's name;

B) the amount and type of the contract, provided that if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known;

C) a description of what the vendor will do or provide; and

D) the reasons for using the emergency method of source selection.

3) Notice of the Emergency Procurement. Notice of the emergency procurement shall be published in the Auditor General Bulletin no later than 3 business days after the contract is awarded and shall include a description of the procurement, the reasons for the emergency procurement and the total cost. When only an estimate of the total cost is

known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

4) Notice of Extension. Notice of intent to extend an emergency contract shall be published in the Auditor General Bulletin no later than five business days prior to a public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor and, if applicable, the date, time and location of the public hearing.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.360 Other Methods of Source Selection

Other methods of source selection, as defined by an agency with statutory procurement authority in its adopted rulesCMS in rules promulgated by it (44 Ill. Adm. Code 1) may be used by the OAG when, in the CPO's best judgment, such methods of source selection are in the State's best interests.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.370 Tie Bids and Proposals

a) Tie bids or proposals are those from responsive and responsible vendors that are, in the case of bids, identical in price, and, in the case of proposals, identical in evaluationor evaluation and represent the low price.

b) Tie bids or proposals will be treated as follows:

1) If the tied bids or proposalsvendors include anonly one Illinois resident vendor, the Illinois resident vendor shall be given the award in case of bids and may be given the award in the case of proposals. "Illinois resident vendor" has the meaning given in Section 500.1110 (Resident Vendor Preference) of this Part. In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with subsections (b)(2) through (5) of this Section.

2) In all other situations, the award shall be made by lot unless the

Procurement Officer determines that:

A) awarding to one of the vendors is in the State's best interest because, for example, that vendor is likely to be more reliable or responsive to the State's needs, based on past performance; provides a better quality of the supply or service; or provides quicker delivery; or, in the case of proposals, because of a desire to take advantage of the lower price; or

B) splitting the award is in the State's best interest because of a need to ensure delivery of the supply or service, or is necessary or desirable to promote future competition, and provided the affected vendors agree to the split award.~~If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award will be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the OAG shall be given additional consideration in determining responsibility if the Procurement Officer determines that dealing with a vendor that has knowledge of OAG requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable past experience increases the likelihood of successful performance.~~

~~3) If there is no significant difference in responsibility, but there is a difference in the quality of the supplies or services offered, the vendor offering the best quality will be accepted.~~

~~4) If there is no significant difference in responsibility and no difference in quality of the supplies or services offered, the vendor offering the earliest delivery time will be accepted in any case in which the solicitation specified that the needs of the agency require delivery as early as possible.~~

~~5) If the bids or proposals are equal in every respect, the award shall be made by lot unless the Procurement Officer determines that splitting the award among two or more of the tied vendors is in the best interest of the State. Awards may be split if all affected vendors agree, if splitting is feasible given the type of supplies or services requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or~~

~~desirable to promote future competition.~~

~~e) Record. Records shall be made of all procurements on which tie bids or proposals are received, showing at least the following information:~~

~~1) the identification number of the solicitation;~~

~~2) a description of what was procured; and~~

~~3) a listing of all the offerors and the prices submitted.~~

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.380 Mistakes

a) General
Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other offerors.

b) Mistakes Discovered Before Opening
A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.

c) Confirmation of Mistake
When the Procurement Officer knows or has reason to conclude that a mistake has been made, such officer shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the offer may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

d) Mistakes ~~in Bids~~ Discovered After Opening but Before Award
~~This subsection (d) sets forth procedures to be applied in situations in which mistakes in bids are discovered after the time and date set for bid opening but before award.~~

1) Minor Informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or

variation ~~of a bid~~ from the exact requirement of the solicitation~~IFB~~, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive such informalities or allow correction~~the bidder to correct them~~ depending on which is in the best interest of the State. Examples of minor informalities as to form include the failure ~~of a bidder~~ to:

A) return the required number of signed copies~~offers required by the IFB~~;

B) acknowledge receipt of an amendment to the solicitation~~IFB~~, but only if:

i) it is clear from the bid or proposal that the offeror~~bidder~~ received the amendment and intended to be bound by its terms; or

ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.

2) Mistakes in Which~~Where~~ Intended Correct Information~~Bid~~ is Evident. If the mistake and the intended correct information~~bid~~ are clearly evident on the face of the bid or proposal document, the information~~bid~~ shall be corrected and the bid or proposal~~to the intended correct bid and~~ may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid or proposal document are typographical errors, errors in extending unit prices, transpositional errors, and arithmetical errors.

3) Mistakes in Which~~Where~~ Intended Correct Information~~Bid~~ is Not Evident. The low price bid or proposal may be withdrawn~~A bidder may be permitted to withdraw a low bid~~ if:

A) a mistake is clearly evident on the face of the bid or proposal document but the intended correct bid or proposal is not similarly evident; or

B) there is~~the bidder submits~~ proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.

e) During Discussions; Prior to Best and Final Offers~~Mistakes in Proposals Discovered After Receipt, but Before Award This subsection (e) sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award. 1)During Discussions; Prior to Best and Final Offers.~~
Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake prior to the date set for conclusion of discussions or for receipt of best and final offers, provided the correction would not be contrary to the fair and equal treatment of other offerors. ~~2)Minor Informalities. Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under subsection (d). 3)Correction of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if: A)the mistake and the intended correct offer are clearly evident on the face of the proposal, in which event the proposal may not be withdrawn; or B)the mistake is not clearly evident on the face of the proposal, but the offeror submits adequate proof that clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors. 4)Withdrawal of Proposals. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if: A)the mistake is clearly evident on the face of the proposal and the intended correct offer is not; B)the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or C)the offeror submits adequate proof that clearly and convincingly demonstrates the intended correct offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.~~

f) Mistakes Discovered After Award
Mistakes shall not be corrected after award of the contract except where the Procurement Officer finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

g) Determinations Required
The Procurement Officer shall maintain in the procurement file documentation of actions regarding correction or withdrawal of bids or proposals based on mistakes. ~~When a proposal is corrected or withdrawn, or correction or withdrawal is denied,~~

~~a written determination shall be prepared showing that relief was granted or denied in accordance with this Part. The Procurement Officer shall prepare the determination.~~

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.390 Cancellation of Solicitations; Rejection of Offers

a) Scope of this Section
The provisions of this Section shall govern the cancellation of any solicitations whether issued by the OAG under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of offers in whole or in part.

b) Policy
Any solicitation may be canceled before or after opening when the Procurement Officer believes cancellation to be in the OAG's best interest. Nothing shall compel the award of a contract.

c) Cancellation of Solicitation; Rejection of All Offers ~~Prior to Opening~~
~~1)As used in this Section, "opening" means the date set for opening of bids, proposals or responses or receipt of unpriced technical offers in multi-step sealed bidding. 2)~~A~~Prior to opening, a~~ solicitation may be canceled in whole or in part when the Procurement Officer determines in writing that such action is in the OAG's best interest for reasons including, but not limited to:

1)~~A)~~ the OAG no longer requires the supplies, services or construction;

2)~~B)~~ the OAG no longer can reasonably expect to fund the procurement; ~~or~~

3)~~C)~~ proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable;~~.~~

4) ambiguous or otherwise inadequate specifications;

5) the solicitation did not provide for consideration of all factors of significance to the OAG;

6) prices exceed available funds and it would not be appropriate to adjust

quantities to come within available funds;

7) all otherwise acceptable offers received are at clearly unreasonable prices; or

8) there is reason to question whether the offers may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

~~3) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses that responded to the solicitation.~~

~~4) The notice of cancellation shall:~~

~~A) identify the solicitation;~~

~~B) briefly explain the reason for cancellation; and~~

~~C) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar supplies, services or construction.~~

~~d) Cancellation of Solicitation; Rejection of All Offers After Opening~~

~~1) After opening but prior to award, all offers may be rejected in whole or in part when the Procurement Officer determines in writing that such action is in the OAG's best interest. Such reasons may include, but are not limited to:~~

~~A) the supply, service or construction being procured is no longer required;~~

~~B) ambiguous or otherwise inadequate specifications were part of the solicitation;~~

~~C) the solicitation did not provide for consideration of all factors of significance to the OAG;~~

~~D) prices exceed available funds and it would not be appropriate to~~

~~adjust quantities to come within available funds;~~

~~E)~~ ~~all otherwise acceptable offers received are at clearly unreasonable prices; or~~

~~F)~~ ~~there is reason to believe that the offers may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.~~

~~2)~~ ~~When the solicitation is canceled or when all offers are rejected, all vendors who submitted offers shall be sent a notice upon request informing them of the reasons for the cancellation or rejection.~~

d~~e~~) Documentation
The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

e~~f~~) Rejection of Individual Offers

1) General. This subsection (e~~f~~) applies to rejections of individual offers in whole or in part.

2) Notice in Solicitation. Each solicitation shall provide that any offer may be rejected in whole or in part when in the best interest of the OAG as provided in this Section.

3) Reasons for Rejection

Reasons for rejecting an offer may include, but are not limited to:

A) the business that submitted the offer is nonresponsible as determined under Section 500.430 (Responsibility) of this Part;

B) the offer is not responsive, that is, it does not conform in all material respects to the solicitation;

C) the offer ultimately (that is, after any opportunity has passed for alteration or clarification) fails to meet the announced requirements of the OAG in some material respect;

D) the supply, service or construction item offered is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the solicitation; or

E) the proposed price is clearly unreasonable.

4) Notice of Rejection. Upon request, unsuccessful offerors shall be advised of the reasons for rejection.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.395 Public Procurement File

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation and the award process. The procurement file shall contain a written determination, signed by the Procurement Officer or designee, setting forth the reasoning for the contract award decision. The procurement file shall be open to public inspection within 7 business days following award of the contract.

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART E: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 500.410 Vendor List/Required Use

a) The CPO may maintain a list of vendors interested in doing business with the OAG. The names and addresses of vendors on the list shall be available for public inspection.

b) Inclusion on, or exclusion from, the list shall not be a factor in determining whether a vendor is a responsible vendor.

c) When vendors are directly solicited by the OAG, solicitations will be sent to vendors on the vendor list for the supplies or services in question, except in the following cases:

1) The vendor does not sell the particular commodity or equipment.

2) The number of vendors for a procurement classification is of such magnitude that optimum prices may reasonably be expected without soliciting the entire vendor list. The Procurement Officer may, if he/she determines that the best interest of the State would be served, rotate the selection from the list on any equitable basis.

3) The Procurement Officer determines that the best interest of the State will be served by limiting vendors to those in defined geographic areas (example: purchases of ready-mix concrete, perishables, and equipment requiring immediate service).

d) The CPO may alternately refer to vendor lists maintained by CMS or other statutory procurement agency.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.420 Prequalification

a) General

1) The CPO shall identify by publication in the Auditor General Bulletin the categories of supplies and services (including professional and artistic services) for which the OAG may prequalify vendors of those supplies and services. The OAG is not required to prequalify vendors but may do so when determination of a vendor's qualifications prior to procurement would be advantageous to the OAG.

2) An opportunity to prequalify shall be allowed at least one time each fiscal year. The opportunity to prequalify shall be announced in the Auditor General Bulletin. ~~The notice shall alert vendors that failure to participate in the prequalification process may result in the vendor being ineligible to receive contracts.~~

3) When prequalifying a vendor, the Procurement Officer may limit prequalifications to determining whether a vendor has been and is likely to be "responsible" using the criteria set forth in Section 500.430 of this Part.

The fact that a prospective vendor has been prequalified does not necessarily represent a finding of responsibility for a particular procurement.

4) When prequalifying a vendor, the Procurement Officer may consider factors tailored to a specific procurement or type of procurement, which shall be announced in the Auditor General Bulletin.

5) Except as provided in Section 500.320(e), prequalification shall not be used to bar or prevent any qualified business or person from bidding or responding to invitations for bid or requests for proposal.~~Except in the case of professional and artistic services, distribution of and responses to the solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified. If eligibility for the procurement will be limited to prequalified vendors, the solicitation shall state that fact.~~

b) Professional and Artistic Services
Any prequalification of vendors of professional and artistic services:

1) shall include, at a minimum, a specified level of:

A)~~1)~~ education;

B)~~2)~~ training;

C)~~3)~~ experience; and

D)~~4)~~ technical ability; and

2) may require certification or licensure, or membership in professional associations.

c) Qualified Products List
Qualified products lists are treated in Section 500.600 (Specifications) of this Part.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

NOTICE OF ADOPTED AMENDMENTS

Section 500.430 Responsibility

a) Application
Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the OAG's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.

b) Standards of Responsibility

1) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but are not limited to, whether a prospective vendor:

A) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all contractual requirements (the Procurement Officer may designate a level below which the vendor will be deemed "not responsible");

B) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;

C) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;

D) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;

E) is a legal entity authorized to do business in Illinois prior to

submitting the bid, offer or proposal and is qualified legally to contract with the State;

F) has supplied all necessary information in connection with the inquiry concerning responsibility;

G) has a current Public Contracts number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;

H) pays prevailing wages, if required by law; and

I) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.

2) Information Pertaining to Responsibility. The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of such vendor. The OAG may supplement this information from other sources and may require additional documentation at any time. If such vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.

c) Written Determination of Nonresponsibility Required
If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the Procurement Officer. The final determination shall be made part of the procurement file.

d) Bond for Responsibility
Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.

e) Affiliated Companies
Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that has been determined not responsible will also be determined not to be responsible

unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of nonresponsibility.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART G: SPECIFICATIONS

Section 500.600 Specifications

a) Responsibilities Regarding Specifications
The Procurement Officer is authorized to write specifications for procurements for the OAG.

b) Procedures for the Development of Specifications

1) All procurements shall be based on specifications that accurately reflect the OAG's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.

2) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate OAG needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.

3) Any specifications or standards adopted by business, industry, not-for-profit organization or governmental unit may be adopted by reference.

4) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the OAG's requirements.

c) Brand Name or Equal Specification

1) Brand name or equal specifications may be used when the Procurement Officer determines in writing that:

A) no specification for a common or general use specification or qualified products list is available;

B) time does not permit the preparation of another form of specification, not including a brand name specification;

C) the nature of the product or the nature of the OAG's requirement makes use of a brand name or equal specification suitable for the procurement; or

D) use of a brand name or equal specification is in the OAG's best interest.

2) Brand name or equal specifications shall seek to designate more than one brand as "or equal," and shall further state that substantially equivalent products to those designated will be considered for award.

3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.

4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the vendor.

d) Brand Name Only Specification

1) Determination. A brand name only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the OAG's needs.

2) Use. Brand name alone may be specified in order to fill medical

prescription needs, to stock State retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the Procurement Officer. The OAG may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.

3) Competition. The Procurement Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 500.340 (Sole Economically Feasible Source Procurement) of this Part.

4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (Section 500.330 of this Part) and emergency (Section 500.350 of this Part) provisions of this Part.

e) Qualified Products List

1) Use. A qualified products list may be developed by the Procurement Officer when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy OAG requirements.

2) Solicitation. When developing a qualified products list, a representative group of potential suppliers shall be solicited in writing to submit products for testing and examination to determine acceptability for inclusion in a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.

3) Testing and Confidential Data. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data, and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.

f) Proven Products
The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services must have been used in business or industry for a specified period of time to be considered.

g) Product Demonstration
Any vendor may request time and space to demonstrate a product or service. Agreement to allow such demonstration will be solely at the OAG's discretion and will not entitle the vendor to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration.

h) Prohibition on Incentives
A solicitation or specification for a contract, or a contract, may not require, stipulate, suggest or encourage a monetary or other financial contribution or donation, cash bonus or incentive, or economic investment as an explicit or implied term or condition for awarding or completing the contract.

i) Prohibited Bidders and Contractors

1) *No person or business shall bid or enter into a contract* with the OAG *if the person or business:*

A) *assisted the* OAG *in determining whether there is a need for a contract, except as part of a response to a publicly issued request for information; or*

B) *assisted the* OAG *by reviewing, drafting or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents.*

2) *This subsection* (i) *does not prohibit a person or business from submitting a bid or proposal or entering into a contract if the person or business:*

A) *initiates a communication to provide general information about products, services, or industry best practices and, if applicable, that communication is documented; or*

B) *responds to a communication initiated by an employee of the* OAG *for the purposes of providing information to evaluate new products, trends, services or technologies.* [30 ILCS 500/50-10.5 (e)]

~~h) Specifications Prepared by Other Than OAG Personnel~~

~~1) Specifications may be prepared by other than OAG personnel, including, but not limited to, other State personnel, consultants, architects, engineers, designers, and other drafters of specifications for public contracts when the Procurement Officer determines that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the OAG, and provided the Procurement Officer retains the authority to finally approve the specifications. Contracts for the preparation of specifications by other than OAG personnel shall require the specification writer to adhere to OAG requirements.~~

~~2) The person who prepared the specifications shall not submit an offer to meet the procurement need unless the CPO, and not a designee, determines in writing that it would be in the best interest of the OAG to accept such an offer from that person. A notice to that effect shall be published in the Auditor General Bulletin.~~

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART H: CONTRACT TYPE

Section 500.700 Types of Contracts

a) Subject to the limitations of this Section and unless otherwise authorized by law, any type of contract that will promote the best interests of the State may be used.

b) Prohibition of Cost-Plus-a-Percentage-of-Cost Contracting
The cost-plus-a-percentage-of-cost contract is prohibited. This type of contracting may not be used alone or in conjunction with an authorized type of

contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied.

1) A percentage mark-up from an agreed price list is not a cost-plus-a-percentage-of-cost contract.

2) A percentage mark-up from the price of a supply or service selected by the State or another vendor under contract to the State is not a cost-plus-a-percentage-of-cost contract.

c) A cost-reimbursement contract may be used only when a determination is made in writing that a cost-reimbursement contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the item required except under that type of contract.

d~~e~~) Option Provisions
When a contract is to contain an option for renewal, extension, or purchase, notice of such provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at the OAG's option or by mutual agreement.

e~~d~~) State Produced Supplies and Services
Notwithstanding any provision in any contract, supplies or services available from the State's own programs, such as Correctional Industries, may be ordered without violating any contract.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART I: DURATION OF CONTRACTS

Section 500.800 Duration of Contracts

a) General

1) A multi-term contract for a term up to 10 years, inclusive of proposed contract renewals, is authorized when determined by the Procurement Officer to be in the best interest of the State.

2) A software license may have a term longer than 10 years, including for a

perpetual term, provided the payment term is limited to no more than 10 years.

b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of such contract shall be canceled without penalty to, or further payment being required by, the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-Term Contracts
A multi-term contract may be used when:

1) special production of definite quantities or the furnishing of long-term services is required to meet OAG needs; or

2) a multi-term contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in OAG procurement. The following factors are among those relevant to such a determination:

A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping such costs during the period of contract performance;

B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;

C) stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; or

D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

d) Multi-Term Contract Procedure

The solicitation shall state:

1) the proposed term;

2) the amount of supplies or services required for the proposed contract period;

3) the type of pricing requested (e.g., firm for term);

4) how award will be determined.

e) Renewals

1) Renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract and the option is reserved solely to the OAG or is by mutual agreement.

2) Where a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be procured using one of the methods of source selection authorized by this Part. This renewal will start a new term that shall not exceed 10 years.

3) Notice of renewal shall be published in the Auditor General Bulletin no later than 10 business days after the contract is awarded.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART J: CONTRACT MATTERS

Section 500.900 Prevailing Wage

a) In order to be considered responsible under Section 500.430, vendors of the following classifications of services must certify to the OAG that their employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed:

1) Printing;

2) Janitorial cleaning services, window cleaning services~~washing~~, building and grounds services, site technician services, natural resources services, food services, and security ~~guard~~ services of $2,000 or more or $200 or more per month~~having a monthly contract price of $200 or a yearly price of $2,000~~; and

3) Public works.

b) For purposes of this Section, "locality" or "location" shall have the meaning established in rules promulgated by CMS or other statutory procurement agency~~(see 44 Ill. Adm. Code 1.2560)~~.

c) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

d) This Section does not apply to services furnished under contracts for professional or artistic services or to vocational programs of training for persons with physical or mental disabilities or to qualified not-for-profit agencies for persons with severe disabilities.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.910 Filing with Comptroller

a) Filing with Comptroller
Whenever a contract liability, except for contracts paid from personal services or contracts between the OAG and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, exceeding $10,000 is incurred by the OAG, a copy of the contract, purchase order, or lease shall be filed with the Comptroller within 15 days thereafter. Any cancellation or modification to any such contract liability shall be filed with the Comptroller within 15 days after its execution.

b) Late Filing Affidavit
When a contract, purchase order, or lease required to be filed by this Section has not been filed within 30 days after execution, the OAG must file with the Comptroller an affidavit, signed by the Auditor General or his or her designee, setting forth an explanation of why the contract liability was not filed within 30 days after execution. A copy of this affidavit shall be filed with the Auditor

General.

c) Timely Execution of~~Professional and Artistic Services~~ Contracts
No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract ~~for services involving professional or artistic skills involving an expenditure of more than $5,000 for the same type of services at the same location during any fiscal year~~ unless the contract is reduced to writing before the services are performed and filed, if so required under subsection (a), with the Comptroller. Vendors shall not be paid for any goods that were received or services that were rendered before the contract was reduced to writing and signed by all necessary parties. A Procurement Officer may request an exception to this requirement by submitting a written statement to the Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. A waiver of this requirement must be approved by the Comptroller and Treasurer. The requirements of this subsection shall not apply to emergency purchases if notice of the emergency purchase is published in the Auditor General Bulletin as required by Section 500.350.~~When a contract for professional or artistic skills in excess of $5,000 was not reduced to writing before the services were performed, the Comptroller shall refuse to issue a warrant for payment for the services until the OAG files with the Comptroller:~~

~~1) a written contract covering the services; and~~

~~2) an affidavit, signed by the Auditor General or his or her designee, stating that the services for which payment is being made were agreed to before commencement of the services and setting forth an explanation of why the contract was not reduced to writing before the services commenced. A copy of this affidavit shall be filed with the Auditor General.~~

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART K: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section 500.1010 Method of Source Selection

Leases shall be procured by a Request for Information (RFI) process except that the process need not be used in any of the following circumstances:

a) Property of less than 10,000 square feet with rent~~.~~ ~~b)Rent~~ of less than $100,000 per year.

b~~c~~) Duration of less than one year that cannot be renewed.

c~~d~~) Specialized space available at only one location.

d~~e~~) Renewal or extension of leases after the effective date of this Part, provided that:

1) the CPO determines in writing that renewal or extension is in the best interest of the State; ~~and~~

2) the CPO publishes notice of the renewal or extension in the Auditor General Bulletin; and~~.~~

3) the length of the lease, including renewals, does not exceed 10 years.

e~~f~~) Leases with governmental units when deemed by the CPO to be in the best interest of the State.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1015 Historic Area Preference

State agencies with responsibilities for leasing, acquiring or maintaining State facilities shall take all reasonable steps to minimize any regulations, policies and procedures that impede the goals of Section 17 of the Capital Development Board Act [20 ILCS 3105]. [30 ILCS 500/45-80]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1030 Lease Requirements

a) Length of Leases

1) Maximum Term~~term~~. Except where a longer term is authorized by law, leases shall be for a term not to exceed 10 years inclusive of proposed contract renewals and shall include a termination option in favor of the

OAG after 5 years.

2) Renewal Option. Leases may include a renewal option. An option to renew may be exercised only when the Procurement Officer determines in writing that renewal is in the best interest of the OAG and notice of the exercise of the option is published in the Auditor General Bulletin at least 60 days prior to the exercise of the option.

3) Holdover. No lease may continue on a month-to-month or other holdover basis for a total of more than 6 months.

b) Subject to Appropriation
All leases shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease.

c) Lessor's Failure to Make Improvements
Each lease must provide for a penalty upon the lessor's failure to make improvements agreed upon in the lease. The penalty shall consist of a reduction in lease payments equal to the corresponding percentage of the improvement value to the lease value. The penalty shall continue until the lessor complies with the lease and the improvements are accepted by the leasing State agency.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART L: PREFERENCES

Section 500.1110 Resident Vendor Preference

a) *When a contract is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a non-resident bidder from any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidder. Further, if only non-resident bidders are bidding, the purchasing agency is within its right to specify that Illinois labor and manufacturing locations be used as a part of the manufacturing process, if applicable. This specification may be negotiated as part of the solicitation process.* [30 ILCS 500/45-10(a)]

b) "Illinois resident vendor" as used in this Section means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced. A resident bidder includes a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced.

~~c) In breaking a tie, an Illinois resident vendor shall be given the award.~~

c~~d~~) This Section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1130 Recycled Supplies~~Materials~~

When a public contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of products made of recycled supplies~~materials~~ may~~, on a pilot basis or in accordance with a pilot study,~~ be given preference over other bidders unable to do so, provided that the cost included in the bid of supplies~~products~~ made of recycled materials does not constitute an undue edonomic or practical hardship~~is not more than 10% greater than the cost of products not made of recycled materials~~. [30 ILCS 500/45-20]

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1140 Recyclable Supplies~~Paper~~

All supplies~~paper~~ purchased for use by State agencies must be recyclable paper unless a recyclable substitute~~recyclable paper~~ cannot be used to meet the requirements of the State agencies or would constitute an undue economic or practical hardship.~~ State agencies shall determine their paper requirements to allow the use of recyclable paper whenever possible, including without limitation using plain paper rather than colored paper that is not recyclable.~~ [30 ILCS 500/45-25]

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1145 Environmentally Preferable Procurement

State agencies shall contract for supplies and services that are environmentally preferable, as that term is defined in 30 ILCS 500/45-26. *If, however, contracting for an environmentally preferable supply or service would impose an undue economic or practical hardship on the contracting State agency, or if an environmentally preferable supply or service cannot be used to meet the requirements of the State agency, then the State agency need not contract for an environmentally preferable supply or service. Specifications for contracts, at the discretion of the contracting State agency, may include a price preference of up to 10% for environmentally preferable supplies or services.* [30 ILCS 500/45-26]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1148 Biobased Products

When a State contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of biobased products may be given preference over other bidders unable to do so, provided that the cost included in the bid of biobased products is not more than 5% greater than the cost of products that are not biobased. [30 ILCS 500/45-75]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1160 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities~~Sheltered Workshops for the Disabled~~

a) Use~~ of Sheltered Workshops~~
The Procurement Officer may determine to contract with a qualified not-for-profit agency for persons with severe disabilities~~sheltered workshop~~ on the list maintained by the State Use Committee~~CPO for CMS,~~ and may do so without notice or competition.

b) Pricing Approval
While notice and competition is not required prior to contracting with a qualified not-for-profit agencies for persons with severe disabilities~~sheltered workshop~~, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar supplies or services, the policy of the Code to promote

procurements from qualified not-for-profit agencies for persons with severe disabilitiessheltered workshops, and other such relevant factors.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1170 Gas Mileage

a) Specifications for the purchase of new passenger automobiles shall require compliance with minimum gas mileage requirements established in Section 45-40 of the Code. As used in this Section, passenger automobile does not include station wagons, vans, four-wheel drive vehicles, emergency vehicles, or police or fire vehicles.

b) All gasoline-powered vehicles purchased from State funds must be flexible fuel vehicles or fuel efficient hybrid vehicles. Any vehicle purchased from State funds that is fueled by diesel fuel shall be certified by the manufacturer to run on 5% biodiesel (B5) fuel.

cb) The CPO may exempt a procurement from the requirementsrequirement of subsections (a) and (b)subsection (a) when a demonstrated need has been presented to the CPO in writing and approved by that officer.

d) *In awarding contracts requiring the procurement of vehicles, preference may also be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or biodiesel fuels produced from Illinois soybeans.* [30 ILCS 500/45-60]

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1180 Small Business

a) Set-Aside
The Procurement Officer may designate as small business set-asides a fair proportion of construction, supply and service contracts for award to small businesses in Illinoisdetermine categories of supplies or service procurements that will be set aside for small businesses located in Illinois. The set-aside designation may be made for current and future procurements of a specific supply, service or construction, or for a class of like supplies, services or construction. A set-aside designation may last indefinitely or for a stated period of time.

b) Small Business List
The Procurement Officer may develop its own list, or may use the list maintained by CMS or other appropriate State agency, of responsible vendors that meet the criteria of small business. Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information acceptable to the Procurement Officer verifying that the vendor qualifies as a small business under this Part. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.

c) Required Use
If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.

d) Withdrawal of Set-Aside
If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Auditor General Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of this Part.

e) Criteria for Small Business
Unless the Procurement Officer provides a definition for a particular procurement that reflects industry characteristics, a small business is one:

1) That is an Illinois business, independently~~Independently~~ owned and operated.

2) Not dominant in its field of operation. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of

materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

3) With annual sales for the most recently ended fiscal year no greater than:

A) $10,000,000~~7,500,000~~ for wholesale business;

B) $10,000,000~~3,000,000~~ for construction business; or

C) $6,000,000~~1,500,000~~ for retail business.

4) With no more than 250 employees if a manufacturing business.

A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.

B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.

5) If the business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the amounts shown in subsection (e)(3). For example, a business that is both a retailer and wholesaler may not have total sales exceeding $16,000,000~~9,000,000~~ and the retail component may not exceed $6,000,000~~1,500,000~~ and the wholesale component may not exceed $10,000,000~~7,500,000~~. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).

6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether

affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1190 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

a) Upon direction of the CPO, the OAG may establish goals and other such preferences for contracting or subcontracting with businesses owned and controlled by minorities, females and persons with disabilities.

b) For purposes of this Section, the individuals claiming ownership and control must own at least 51% of the business.

c) The CPO may refer to the list of businesses that have been certified by CMS or other appropriate agency under the Business Enterprise Act for Minorities, Females and Persons with Disabilities [30 ILCS 575].

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1195 Illinois Agricultural Products

In awarding contracts requiring the procurement of agricultural products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of agricultural products grown in Illinois. [30 ILCS 500/45-50]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1197 Corn-based Plastics

In awarding contracts requiring the procurement of plastic products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of plastic products made from Illinois corn by-products. [30 ILCS 500/45-55]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1199 Disabled Veterans

It is the goal of the State to promote and encourage the continued economic development of businesses owned and controlled by qualified service disabled veterans and that qualified service disabled veteran-owned businesses (referred to as SDVOB) participate in the State's procurement process as both prime and subcontractors. [30 ILCS 500/45-57] Upon direction of the CPO, the OAG may establish goals and other such preferences for contracting or subcontracting with SDVOB that are certified by the Department of Veterans' Affairs and the Department of Central Management Services.

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART M: ETHICS

Section 500.1200 Bribery

a) *Prohibition*
No person or business shall be awarded a contract or subcontract ~~under this Code~~ who:

1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or

2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

b) *Businesses*
No business shall be barred from contracting with any unit of State or local government, or subcontracting under such a contract, as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

1) the business has been finally adjudicated not guilty; or

2) the business demonstrates to the governmental entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not

authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in Section 5-4(a)(2) of the Criminal Code of 1961.

c) *Conduct on Behalf of Business*
For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.

d) *Certification*
Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the contractor or the subcontractor, respectively, that the contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any certifications required by this Section are false. A contractor who makes a false statement, material to the certification, commits a Class 3 felony. [30 ILCS 500/50-5]

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1210 Felons

a) *Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any State agency, or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.* [30 ILCS 500/50-10]

b) Every bid submitted to and contract executed by the State and every subcontract subject to this Part shall contain a certification by the bidder or contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CPO may declare the related contract void if any of the certifications required by this Section are false.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1215 Prohibited Bidders and Contractors

a) *Unless otherwise provided, no business shall bid or enter into a contract or subcontract if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002* (PL 107-204) *or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953* [815 ILCS 5] *for a period of 5 years from the date of conviction.*

b) *Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer shall declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false.* [30 ILCS 500/50-10.5]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1217 Debt Delinquency

a) *No person shall submit a bid for or enter into a contract or subcontract if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt.* [30 ILCS 500/50-11 (a)] For purposes of this Section, terms shall be as defined in Section 50-11 of the Code.

b) *Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the contractor or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false.* [30 ILCS 500/50-11(b)]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1218 Collection and Remittance of Illinois Use Tax

a) *No person shall enter into a contract with a State agency or enter into a subcontract unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act* [35 ILCS 105] *regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act.* [30 ILCS 500/50-12] For purposes of this Section, terms shall be as defined in Section 50-12 of the Code.

b) *Every bid submitted and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from bidding for or entering into a contract under subsection (a) of this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false.* [30 ILCS 500/50-12]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1220 Conflicts of Interest

a) Prohibition
It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority. [30 ILCS 500/50-13(a)]

b) Interests
It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive more than 7 1/2% of the total distributable income or an amount in excess of the salary of the Governor, to

have or acquire any such contract or direct pecuniary interest therein.[30 ILCS 500/50-13(b)]

c) Combined Interests
It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein. [30 ILCS 500/50-13(c)]

d) Securities
Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.[30 ILCS 500/50-13 (d)]

e) Prior Interests
This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child, or other immediate family member living in his or her residence or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the officer, member, or employee takes office or is employed. [30 ILCS 500/50-13 (e)]

f) Exceptions

1) *Public aid payments. This Section does not apply to payments made for a public aid recipient.*

2) *Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, or Northeastern Illinois University.*

3) *Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a member of the General Assembly.*

4) *Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.*

5) *Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Healthcare and Family Services~~Public Aid~~, the Department of Public Health, or the Department on Aging.*[30 ILCS 500/50-13(f)]

g) An individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finder's fees and commission payments.

h) Distributable income means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, that is distributed to those entitled to receive a share of such income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income the entitlement shall be determined at the end of the company's most recent fiscal year.

i) Exemptions
If the Procurement Officer finds a conflict of interest under this Section with the vendor selected for award or contract negotiations, the Procurement Officer shall forward to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be granted. The CPO may exempt named individuals from the prohibitions of this Section when, *in his or her~~its~~ judgment, the public interest in having the*

individual in the service of the State outweighs the public policy evidenced in that Section. [30 ILCS 500/50-20] Notice of each exemption shall be published in the Auditor General Bulletin and a copy shall be filed with the Secretary of State and State Comptroller prior to the contract's execution.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1235 Environmental Protection Act Violations

a) *Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act* [415 ILCS 5] *shall do business with the State of Illinois or any State agency or enter into a subcontract from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved in the violation continues to have any involvement with the business.* [30 ILCS 500/50-14(a)]

b) *A person or business otherwise barred from doing business with the State of Illinois or any State agency or subcontracting under* the *Code by subsection (a) may be allowed to do business with the State of Illinois or any State agency if it is shown that there is no practicable alternative to the State to contracting with that person or business.* [30 ILCS 500/50-14(b)]

c) *Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the contracting State agency may declare the related contract void if any of the certifications completed pursuant to this subsection (c) are false.* [30 ILCS 500/50-14(c)]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1238 Lead Poisoning Prevention Act Violations

Owners of residential buildings who have committed a willful or knowing violation of the Lead Poisoning Prevention Act [410 ILCS 45] *are prohibited from doing business with the State of Illinois or any State agency, or subcontracting, until the violation is mitigated.* [30 ILCS 500/50-14.5]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1240 Revolving Door Prohibition

Chief procurement officers, State purchasing officers, procurement compliance monitors, their designees whose principal duties are directly related to State procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the State agency most recently employing them in an affected position for a period of at least 6 months. The prohibition includes but is not limited to: lobbying the procurement process; specifying; bidding; proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation. [30 ILCS 500/50-30]~~The CPO and any employees whose principal duties are directly related to OAG procurement are prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the OAG. This prohibition applies to persons who terminate an affected position on or after January 15, 1999. The CPO shall identify in writing those designees whose jobs, or whose position descriptions, are at least 51% directly related to OAG procurement. Activities directly related to OAG procurement include, but are not limited to: drafting specifications, preparing solicitations, evaluating offers, negotiating contracts, administering contracts and supervising any of the foregoing.~~

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1250 Disclosure of Financial Interests and Potential Conflicts of Interest

a) Requirement for Disclosure

1) *All offers from responsive bidders or offerors with an annual value of more than $25,000* and all subcontracts with an annual value of more than $25,000*~~$10,000~~ shall be accompanied by disclosure of the financial interests of the contractor, bidder, or proposer and each subcontractor to be used. The financial disclosure of each successful bidder or offeror and its subcontractors shall be incorporated as a material term of the contract and shall become part of the publicly available contract or procurement file maintained by the appropriate chief procurement officer. Each disclosure shall be signed and made under penalty of perjury by an authorized officer or employee on behalf of the bidder or offeror.* [30 ILCS 500/50-35(a)]

2) Disclosure ~~by the responsive bidders or offerors~~ shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the disclosing~~bidding~~ entity or its parent entity, whichever is less, unless the contractor, ~~or~~ bidder or subcontractor:

A) is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure; or

B) is a privately held entity that is exempt from Federal 10K reporting but has more than 400 shareholders, partners or members, in which case it may submit the information that Federal 10K reporting companies are required to report under 17 CFR 229.401 and list the names of any person or entity holding any ownership share that is in excess of 5% in place of the prescribed disclosure.

b) Definitions and General Provisions

1) An "offer from responsive bidders or offerors" means only those offers that are received using an Invitation for Bids or Request for Proposals under Section 500.310 or 500.320 of this Part. Disclosures are not required in sole source or emergency procurements.

2) A "parent entity" means a person who owns 100% of the bidding entity.

3) "Contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.

4) "Distributable" or "distributive" income means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained earnings, that is distributed to those entitled to receive a share of such income. In the case of a for-profit corporation, distributable income means dividends. When calculating entitlement to distributable income, the entitlement shall be determined at the end of the company's most recent fiscal year.

5) "Personal services" shall be any contract for services subject to this Part, including, by way of example, professional and artistic services, repair services, cleaning and guard services, but excludes contracts with employees who are exempt from this Part under Section 500.30(a)(4) of this Part.

6) "Competitively bid" means a contract let pursuant to Section 500.310 or 500.320 of this Part.

7) "Subject to federal 10K reporting" means subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934. "10K disclosure" means a report required under Section 13 or 15(d) of the Securities Exchange Act of 1934.

8) Contractors are under a continuing obligation to promptly supplement disclosures for accuracy throughout the contracting process and throughout the term of any resulting contract. Contractors with multi-year contracts must submit disclosures on an annual basis. ~~Once a disclosure is made in relation to a particular contract, the disclosure need not be repeated if the contract is amended.~~

9) 10K Disclosures

A) Any vendor subject to federal 10K reporting requirements may submit its 10K to the OAG in satisfaction of this disclosure requirement provided the vendor also identifies the specific sections or parts in the 10K disclosure where the OAG may find information, if any, pertaining to those who have an ownership interest or an interest in the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the OAG is not in the 10K, but is in a document referenced in the 10K, or in a document that may be submitted to the SEC in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.

B) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the

attention of the CPO shall be investigated.

C) In circumstances where a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements and for purposes of the Procurement Officer's duty to consider any conflict or potential conflict of interest that may exist, but that is not subject to specific disclosure requirements of this Part, and that is not personally known by the Procurement Officer, "publicly known or reasonably available to the public" shall consist of information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure.

c) Form of Disclosure

1) The form of disclosure shall be prescribed by the CPO and must include at least the names, ~~and~~ addresses, and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each person identified in this Section having in addition any of the following relationships:

A~~1~~) State employment, currently or in the previous 3 years, including contractual employment of services;

B~~2~~) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years;

C~~3~~) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years;

D~~4~~) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter;

E~~5~~) Appointive office; the holding of any appointive government office

of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years;

F~~6~~) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter;

G~~7~~) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government;

H~~8~~) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter;

I~~9~~) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections;

J~~10~~) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

2) *The disclosure required under this Section must also include the name and address of each lobbyist required to register under the Lobbyist Registration Act* [25 ILCS 170] *and other agent of the bidder or offeror who is not identified under subsection* (a) *and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection* (c)(2) *is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-1)]

3) *The disclosure required under this Section must also include,* for each of

the persons identified in subsection (c)(1) or (2), *each of the following that occurred within the previous 10 years: debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection* (c)(3) *is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-2)]

d) Intent of Disclosure
The disclosure in subsection (c) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the CPO, procurement officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

e) Determination by Procurement Officer
When~~In the case of any contract for personal services in excess of $50,000; any contract competitively bid in excess of $250,000; any other contract in excess of $50,000; when~~ a potential for a conflict of interest is identified, discovered, or reasonably suspected it shall be reviewed by the Procurement Officer or his or her designee, who must rule whether to void or allow the contract, subcontract, bid, offer, or proposal weighing the best interest of the State of Illinois. Any such written determination shall become a publicly available part of the contract, bid, or proposal file.

f) Requirements for Reasonable Care and Diligence
These thresholds and disclosure do not relieve the CPO, procurement officers, or their designees from reasonable care and diligence for any contract, bid, offer, or proposal. The CPO, procurement officers, or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.

g) Inadvertent or Accidental Failure to Fully Disclose
Inadvertent or accidental failure to fully disclose shall render the contract, subcontract, bid, proposal, or relationship voidable by the CPO if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, subcontracts, bids, proposals, or relationships with the OAG for a period of up to 2 years.

h) Intentional, Willful, or Material Failure to Disclose
Intentional, willful, or material failure to disclose shall render the contract, subcontract, bid, proposal, or relationship voidable by the CPO if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, subcontracts, bids, proposals, or relationships with the OAG for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented upon by the CPO, who must rule in writing whether and when to reinstate.

i) Other Procurements
In addition, all disclosures shall note any other current or pending contracts, proposals, subcontracts, leases, or other ongoing procurement relationships the bidding, proposing, ~~or~~ offering, or subcontracting entity has with any other unit of State government and shall clearly identify the unit and the contract, proposal, lease, or other relationship. [30 ILCS 500/50-35(h)]

j) Continuing Obligation
The contractor or bidder has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process or during the term of any contract. [30 ILCS 500/50-35(i)]

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1265 Disclosure of Business in Iran

a) *Each bid, offer, or proposal submitted for a State contract, other than a small purchase shall include a disclosure of whether or not the bidder, offeror, or proposing entity, or any of its corporate parents or subsidiaries, within the 24 months before submission of the bid, offer, or proposal had business operations that involved contracts with or provision of supplies or services to the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or projects commissioned by the Government of Iran, or companies involved in consortiums or projects commissioned by the Government of Iran and:*

1) *more than 10% of the company's revenues produced in or assets located in Iran involve oil-related activities or mineral extraction activities; less than 75% of the company's revenues produced in or assets located in Iran*

involve contracts with or provision of oil-related or mineral-extraction products or services to the Government of Iran or a project or consortium created exclusively by that government; and the company has failed to take substantial action; or

2) *the company has, on or after August 5, 1996, made an investment of $20 million or more, or any combination of investments of at least $10 million each that in the aggregate equals or exceeds $20 million in any 12-month period, that directly or significantly contributes to the enhancement of Iran's ability to develop petroleum resources of Iran.* [30 ILCS 500/50-36]

b) A bid, offer or proposal that does not include the disclosure required by subsection (a) shall not be considered responsive. A procurement officer may consider the disclosure when evaluating the bid, offer or proposal or awarding the contract.

c) Each Chief Procurement Officer shall provide the State Comptroller with the name of each entity disclosed under subsection (a) as doing business or having done business in Iran. The State Comptroller shall post that information on his or her official website.

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1267 Lobbying Restrictions

a) A person or business that is let or awarded a contract is not entitled to receive any payment, compensation, or other remuneration from the State to compensate the person or business for any expenses related to travel, lodging, or meals that are paid by the person or business to any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder. [30 ILCS 500/50-38 (a)]

b) Disclosure

1) Any bidder or offeror on a State contract that hires a person required to register under the Lobbyist Registration Act to assist in obtaining a contract shall:

A) disclose all costs, fees, compensation, reimbursements, and other remunerations paid or to be paid to the lobbyist related to the contract;

B) not bill or otherwise cause the State of Illinois to pay for any of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration; and

C) sign a verification certifying that none of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration were billed to the State.

2) The information in subsection (b)(1)(A), along with all supporting documents, shall be filed with the agency awarding the contract and with the Secretary of State. The CPO shall post this information, together with the contract award notice, in the online Procurement Bulletin. [30 ILCS 500/50-38(b)]

c) No person or entity shall retain a person or entity required to register under the Lobbyist Registration Act to attempt to influence the outcome of a procurement decision for compensation contingent in whole or in part upon the decision or procurement. Any person who violates this subsection is guilty of a business offense and shall be fined not more than $10,000. [30 ILCS 500/50-38(c)]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1275 Procurement Communications Reporting Requirement

a) *Reporting Requirement*

1) *Any written or oral communication received by a State employee that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including, but not limited to, an application, a contract, or a project, shall be reported to the CPO. These communications do not include the following:*

A) *statements by a person publicly made in a public forum;*

B) *statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; and*

C) *statements made by an OAG employee to the Auditor General or other employees of the OAG.*

2) *The provisions of this Section shall not apply to communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of a contract.* [30 ILCS 500/50-39(a)]

b) *The report required by subsection (a) shall be submitted monthly and include at least the following:*

1) *the date and time of each communication;*

2) *the identity of each person from whom the written or oral communication was received, the individual or entity represented by that person, and any action the person requested or recommended;*

3) *the identity and job title of the person to whom each communication was made;*

4) *if a response is made, the identity and job title of the person making each response;*

5) *a detailed summary of the points made by each person involved in the communication;*

6) *the duration of the communication;*

7) *the location or locations of all persons involved in the communication and, if the communication occurred by telephone, the telephone numbers for the callers and recipients of the communication; and*

8) *any other pertinent information.* [30 ILCS 500/50-39(b)]

c) *Additionally, when an oral communication made by a person required to register under the Lobbyist Registration Act is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in subsection (b).* [30 ILCS 500/50-39(c)]

d) The CPO shall make each report submitted pursuant to this Section available on the Auditor General Bulletin within 7 days after receipt of the report.

e) The reporting requirements shall also be conveyed through ethics training under the State Employees and Officials Ethics Act [5 ILCS 430]. An employee who knowingly and intentionally violates this Section shall be subject to suspension or discharge.

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1285 Continuing Disclosure; False Certification

Every person that has entered into a multi-year contract and every subcontractor with a multi-year subcontract shall certify, by July 1 of each fiscal year covered by the contract after the initial fiscal year, to the responsible chief procurement officer whether it continues to satisfy the requirements of Article 50 of the Code *pertaining to eligibility for a contract award. If a contractor or subcontractor is not able to truthfully certify that it continues to meet all requirements, it shall provide with its certification a detailed explanation of the circumstances leading to the change in certification status. A contractor or subcontractor that makes a false statement material to any given certification required under Article* 50 of the Code *is, in addition to any other penalties or consequences prescribed by law, subject to liability under the Illinois False Claims Act* [740 ILCS 175] *for submission of a false claim.* [30 ILCS 500/50-2]

(Source: Added at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART N: PROTESTS AND REMEDIES

Section 500.1300 Suspension

a) Application
This Section applies to all debarments or suspensions of contractors and subcontractors~~vendors~~ from consideration for award of contracts.

b) The CPO may suspend a contractor or subcontractor~~vendor~~ from doing business with the OAG, or from providing~~for~~ specific types of supplies or services. A suspension may be issued for cause for a period of up to 10 years upon a showing the contractor or subcontractor~~vendor~~ violated any law governing the procurement transaction or this Part, or failed to conform to specifications or terms of delivery.

c) When the CPO finds cause exists for suspension, a notice of suspension, including a copy of such determination, shall be sent to the suspended contractor or subcontractor~~vendor~~. Offers will not be solicited from the suspended contractor or subcontractor~~vendor~~, and, if received, will not be considered during the period of suspension.

d) A contractor or subcontractor~~vendor~~ may be suspended for a period of time commensurate with the seriousness of the offense, but for no more than 10~~five~~ years. The suspension will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension would not become effective until the evaluation of the objection is completed.

e) The CPO may debar a contractor or subcontractor~~vendor~~. Debarment is the permanent suspension of a contractor or subcontractor~~vendor~~ from doing business with the OAG. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Offers received from the debarred contractor or proposing the use of a debarred subcontractor~~vendor~~ will not be considered.

f) The CPO shall maintain a master list of all suspensions and debarments. The master list will retain information concerning suspensions and debarments as public records. Such records will be maintained for a period of at least three years following the end of the suspension or debarment. Such public information may be considered in determining responsibility.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1320 Violation of Law or Rule

a) Determination that Solicitation or Award Violates Law

If the CPO finds that the solicitation or proposed award is in violation of statute or rule, the CPO may cancel the solicitation or proposed award, or make modifications to correct the violation, if such correction may be legally accomplished.

b) Determination that Contract Violates this Part

1) If any contract or amendment to a contract is entered into or purchase or expenditure of funds is made at any time in violation of this Part or any other law, the contract or amendment may be declared void by the CPO or may be ratified and affirmed, provided the CPO determines that ratification is in the best interests of the OAG. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.

2) If, during the term of a contract, the OAG determines that the contractor is delinquent in the payment of debt as set forth in Section 500.1217 of this Part, the OAG may declare the contract void if it determines that voiding the contract is in the best interests of the State.

3) If, during the term of a contract, the OAG determines that the contractor is in violation of Section 500.1215 of this Part, the OAG shall declare the contract void.

4) If, during the term of a contract, the OAG learns from an annual certification or otherwise determines that the contractor no longer qualifies to enter into State contracts by reason of Section 500.1200, 500.1210, 500.1218, 500.1235 or 500.1238 of this Part, the CPO may declare the contract void if it determines that voiding the contract is in the best interests of the State.

5) If, during the term of a contract, the CPO learns from an annual certification or otherwise determines that a subcontractor subject to this Part no longer qualifies to enter into State contracts by reason of Section 500.1200, 500.1210, 500.1215, 500.1217, 500.1218, 500.1235, or 500.1238 of this Part, the CPO may declare the related contract void if it determines that voiding the contract is in the best interests of the State.

c) Effect of Declaring a Contract Null and Void

In all cases in which a contract is voided, the OAG shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1330 Protests

a) Protest Resolution by the Procurement Officer
An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award provided the aggrieved party has evidence of a violation of a procurement statute, procurement rule, or the solicitation itself.

~~b) Complaints to the Procurement Officer~~
~~Complainants should seek resolution of their complaints initially with the Procurement Officer conducting the solicitation. Such complaints may be made verbally or in writing.~~

b)~~c)~~ Filing of Protest

1) Protests shall be made in writing to the CPO, and shall be filed by noon on the seventh calendar day after the aggrieved party knew or should have known~~within 7 calendar days after the protester knows or should have known~~ of the facts giving rise to the protest. A protest is considered filed when physically received by the CPO. Protests filed after the 7 calendar day period shall not be considered. With respect~~In regard~~ to a protest regarding specifications or other terms and conditions of the solicitation document, the protest must be received within 7 calendar days after the date the solicitation was posted in the Auditor General Bulletin, or issued if not posted in the Auditor General Bulletin~~issued, and in any event must be received by the OAG at the designated address before the date for opening of offers~~.

2) To expedite handling of protests, the envelope should be labeled "Protest." The written protest shall include at a minimum the following:

A) the name and address of the protester;

B) appropriate identification of the procurement and, if a contract has been awarded, its number;

C) a statement of reasons for the protest specifically identifying any alleged violation of a procurement statute, a procurement rule, or the solicitation itself, including the evaluation and award; and

D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.

c~~d~~) Requested Information; Time for Filing
Any additional information requested by the OAG shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the CPO may result in resolution of the protest without consideration of that information.

d~~e~~) Stay of Procurements During Protest
When a protest has been timely filed and before an award has been made, the Procurement Officer shall make no award of the contract until the protest has been resolved. If timely received but after award, the award shall be stayed ~~revoked~~ without penalty to the State, or the award may be honored or revoked in whole or in part depending on the outcome of the protest review~~and no award made until the protest has been resolved~~. In any~~either~~ case the CPO may make the award or reinstate the award upon a determination that the needs of the State require an immediate award and performance under the contract.

e~~f~~) Decision by the CPO
A decision on a protest shall be made by the CPO as expeditiously as possible after receiving all relevant, requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.

f~~g~~) Effect of Judicial or Administrative Proceedings
If an action concerning the protest has commenced in court, the CPO shall not act on the protest, but shall refer the protest to the Attorney General. This subsection shall not apply when a court requests, expects, or otherwise expresses interest in

the decision of the CPO.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

SUBPART P: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 500.1500 Severability

If any provision of this Part or any application of it to any person or circumstance~~thereof~~ is held invalid, that~~such~~ invalidity shall not affect other provisions or applications of this Part that can be given effect without the~~such~~ invalid provision or application, and to this end the provisions of this Part are declared to be severable.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

Section 500.1540 Records and Audits

a) Retention of Books and Records

1) Books and records that relate to performance of a State contract, including subcontracts, and that support amounts charged to the State, shall be maintained:

A)~~1)~~ by a contractor~~vendor~~, for a period of three years from the later of the date of final payment under the prime contract or completion of the contract;

B)~~2)~~ by a subcontractor, for a period of~~at least~~ three years from the later of the date of final payment under the subcontract or completion of the subcontract; and

C)~~3)~~ by a contractor~~vendor~~ and subcontractor for such longer period of time as is necessary to complete ongoing or announced audits. The three year period shall be extended for the duration of any audit in progress at the time of that period's expiration.

2) Failure to maintain the books and records required by this Section shall establish a presumption in favor of the State for the recovery of any funds paid by the State for which required books and records are not available.

b) Contract Audit

1) Types of Contracts Audited. The type of contract under which books and records should be audited is that in which price is based on costs or is subject to adjustment based on costs, or that in which auditing would be appropriate to assure satisfactory performance, such as a time and material contract.

2) Situations in which an audit may be warranted include but are not limited to when a question arises in connection with:

A) the financial condition, integrity, and reliability of the contractor~~vendor~~ or subcontractor;

B) any prior audit experience;

C) the adequacy of the contractor's~~vendor's~~ or subcontractor's accounting system;

D) the number or nature of invoices or reimbursement vouchers submitted by the contractor~~vendor~~ or subcontractor for payment;

E) the use of federal assistance funds;

F) the fluctuation of market prices affecting the contract; or

G) any other situation when the Procurement Officer finds that such an audit is necessary for the protection of the State's best interest.

(Source: Amended at 35 Ill. Reg. 5307, effective April 1, 2011)

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Rights and Privileges

2) Code Citation: 20 Ill. Adm. Code 525

3) Section Number: 525.110 — Adopted Action: Amend

4) Statutory Authority: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]

5) Effective Date of Rulemaking: April 1, 2011

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) Notices of Proposal Published in Illinois Register: 34 Ill. Reg. 17015; November 12, 2010

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Non-substantive deletion of State's Attorneys from the definitions of "incoming privileged mail" and "outgoing privileged mail" for consistency and their inclusion under the definition of "legal mail" as defined in the Section.

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 made.

13) Will this amendment replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Amendment: Provides that the definition of "legal mail" includes State's Attorneys and clarifies that registered attorneys are only those attorneys who provide direct legal representation to offenders.

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

Echo Beekman
Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

217/558-2200, extension 6511

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

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 525
RIGHTS AND PRIVILEGES

SUBPART A: VISITATION

Section
525.10 Applicability
525.12 Definitions
525.15 Responsibilities
525.20 Visiting Privileges
525.30 Clergy Visitation
525.40 Attorney Visitation − Adult Division
525.50 Attorney Visitation − Juvenile Division (Court Agreement)
525.60 Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section
525.100 Applicability
525.110 Definitions
525.115 Responsibilities
525.120 Processing of Mail
525.130 Outgoing Mail
525.140 Incoming Mail
525.150 Telephone Privileges

SUBPART C: PUBLICATIONS

Section
525.200 Applicability
525.202 Definitions
525.205 Responsibilities
525.210 General Guidelines
525.220 Publication Review Officer
525.230 Procedure for Review of Publications

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

SUBPART D: MARRIAGE OF OFFENDERS

Section
525.300 Applicability
525.302 Definitions
525.305 Responsibilities
525.310 Request for Permission to Marry

AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]. Subpart A is also implementing a Consent Decree (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977). Subpart C is also implementing a Court Agreement (Ryan vs. Walker, #04 C 4635, N.D. Ill., 2006).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10439, effective July 1, 1992; peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993; expedited correction at 17 Ill. Reg. 11903, effective January 22, 1993; peremptory amendment at 17 Ill. Reg. 8069, effective May 27, 1993; amended at 20 Ill. Reg. 15960, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 641, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7139, effective May 31, 1997; amended at 27 Ill. Reg. 8039, effective July 1, 2003; amended at 30 Ill. Reg. 14843, effective September 1, 2006; amended at 35 Ill. Reg. 5400, effective April 1, 2011.

SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.110 Definitions

a) "Assistant Director" means the second highest ranking official of the Department.

b) "Chief" or "Deputy Director" means the highest ranking official of a district or division within the Department.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

c) "Chief Administrative Officer" means the highest ranking official of a correctional facility.

d) "Department" means the Department of Corrections.

e) "Director" means the Director of the Department.

f) "Incoming privileged mail" means mail from the following:

1) The Director;

2) Assistant Director, Chiefs, and Deputy Directors of the Department;

3) Department attorneys~~ and State's Attorneys~~;

4) Members of the Administrative Review Board;

5) Members of the Prisoner Review Board;

6) The Governor of Illinois;

7) Federal or Illinois legislators;

8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;

9) Illinois Inspector General;

10) John Howard Association; and

11) Legal mail.

g) "Outgoing privileged mail" means mail to the following:

1) The Director;

2) Assistant Director, Chiefs, and Deputy Directors of the Department;

3) Department attorneys~~ and State's Attorneys~~;

4) Members of the Administrative Review Board;

5) Members of the Prisoner Review Board;

6) The Governor of Illinois;

7) Federal or Illinois legislators;

8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;

9) Illinois Inspector General;

10) John Howard Association;

11) Clerks of courts or of the Illinois Court of Claims; and

12) Legal mail.

h) "Legal mail" means mail to and from the following:

1) Registered Attorneys who provide direct legal representation to offenders~~, except Department attorneys and State's Attorneys~~;

2) State's Attorneys;

3) The Illinois Attorney General;

4~~3~~) Judges or magistrates of any court or the Illinois Court of Claims Judges; and

5~~4~~) Any organization that provides direct legal representation to offenders, but

not including organizations that provide referrals to attorneys, such as bar associations.

i) "Offender" means a person committed to the Department or to the custody of the Department.

(Source: Amended at 35 Ill. Reg. 5400, effective April 1, 2011)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Access to Information of the State Board of Education under the Freedom of Information Act

2) Code Citation: 2 Ill. Adm. Code 5001

3)

Section Numbers:	Adopted Action:
5001.110	Amendment
5001.200	Amendment
5001.210	Amendment
5001.300	Amendment
5001.400	Repeal
5001.510	Amendment

4) Statutory Authority: 5 ILCS 104/3(h) and 5 ILCS 100/5-15

5) Effective Date of Amendments: March 17, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act (IAPA).

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 Illinois Register: Prior publication of an internal rule in the *Illinois Register* is not subject to Section 5-35 of the IAPA.

10) Has JCAR issued a Statement of Objections to these amendments? Since this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to prior review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: Since this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to first or second notice review by JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Since this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to first or second notice review by JCAR.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Amendments: PA 96-542, effective January 1, 2010, made several changes in the Illinois Freedom of Information Act (FOIA) that affect the agency's rules governing FOIA requests. While most of the changes in the law are specific and need no further edification in rules, changes to align the rules to statute are being proposed. Chiefly, Subpart D regarding an appeal of an agency's decision to deny a FOIA request is being repealed, as the responsibility for review is now housed with the Illinois Attorney General's Public Access Counselor. The proposal also provides that oral requests will not be accepted (although the law authorizes agencies to accept them) and that requests must indicate if they are being made for a commercial purpose, as these types of requests are treated differently under the law.

In addition, further clarification is being added in Section 5001.300 concerning the type of responses that the agency might provide to a request. The agency repealed the substance of these proposed changes in 2005 as part of the statutorily mandated requirement to review and "streamline" administrative rules. Finally, a provision waiving the fee for duplication if the total cost was $10 or less is being removed since the law requires government agencies to provide the first 50 pages free, and State Board staff will waive any charges assessed that are $7.50 or less beyond the first 50 pages.

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

Matthew Vanover, Director of Public Information
Illinois State Board of Education
100 North First Street, S-404
Springfield, Illinois 62777

217/782-4648

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER I: STATE BOARD OF EDUCATION

PART 5001
ACCESS TO INFORMATION OF THE STATE BOARD OF EDUCATION
UNDER THE FREEDOM OF INFORMATION ACT

SUBPART A: INTRODUCTION

Section
5001.100 Summary and Purpose
5001.110 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
5001.200 Office to Which Requests are Submitted
5001.210 Form and Content of Requests

SUBPART C: PROCEDURES FOR AGENCY RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

Section
5001.300 Agency Response
5001.310 Types of Responses (Repealed)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
5001.400 Appeal of a Denial (Repealed)
5001.410 Superintendent's Response to Appeal (Repealed)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section
5001.500 Inspection of Records
5001.510 Copies of Public Records; Fees
5001.520 General Materials Available from the Freedom of Information Office (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: ACCESS TO MATERIALS INCORPORATED BY REFERENCE IN ADMINISTRATIVE RULES

Section
5001.600 Inspection of Materials

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted and codified at 8 Ill. Reg. 15443, effective August 8, 1984; amended at 17 Ill. Reg. 14913, effective September 2, 1993; amended at 29 Ill. Reg. 3900, effective February 22, 2005; amended at 29 Ill. Reg. 8503, effective June 2, 2005; amended at 35 Ill. Reg. 5407, effective March 17, 2011.

SUBPART A: INTRODUCTION

Section 5001.110 Definitions

~~a)~~ Terms used in this Part that are not defined in this Section shall have the same meaning as in the Freedom of Information Act.

~~b)~~ "FOIA" means the Freedom of Information Act.

~~c)~~ "Freedom of Information Officer~~Office~~" ("FIO") means the individual or his or her designee~~unit~~ within the Agency who~~that~~ is responsible for receiving and responding to requests for public records.

~~d)~~ "Requester" means a person who submits a request for public records in accordance with this Part.

~~e)~~ "Agency" means the State Board of Education.

(Source: Amended at 35 Ill. Reg. 5407, effective March 17, 2011)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 5001.200 Office to Which Requests Are Submitted

a) Requests for public records shall be submitted in writing to the Freedom of Information Officer~~Office~~ of the State Board of Education. Requests may~~shall~~ be submitted by mail at the Freedom of Information Office, Illinois State Board of Education, 100 North First Street, Springfield, Illinois 62777, ATTN: FOIA Request; by email to foia@isbe.net; or by facsimile at 217-524-8585.~~to the following address:~~

~~Freedom of Information Office~~
~~State Board of Education~~
~~100 North First Street~~
~~Springfield, Illinois 62777~~
~~ATTN: FOIA Request~~

b) Oral requests for public records shall not be accepted.

(Source: Amended at 35 Ill. Reg. 5407, effective March 17, 2011)

Section 5001.210 Form and Content of Requests

~~a) Requests in accordance with the FOIA and this Part shall be made in writing.~~

~~b) Forms will be available in the Agency's offices (Springfield and Chicago) for requests for records.~~

~~c)~~A request for public records~~The requester~~ shall provide the following information~~ in a request for public records~~:

a~~1~~) The requester's full name, address and phone number, except that a requester who wishes to remain anonymous is not required to submit this information;~~.~~

b~~2~~) A brief description of the public records sought, being as specific as possible;~~.~~

c~~3~~) Whether the request is for inspection of public records, copies of public records, or both;~~.~~

d) The medium and format of the public records sought (i.e., paper, specific electronic medium); and

e) Whether the request is for a commercial purpose as defined in Section 3.1 of the FOIA.

(Source: Amended at 35 Ill. Reg. 5407, effective March 17, 2011)

SUBPART C: PROCEDURES FOR AGENCY RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section 5001.300 Agency Response

a) The Agency shall respond to a written request for public records within the timeline provided in Section 3 or Section 3.1 of the FOIA, as applicable. The timeline shall begin on the day after the request is received by an Agency employee, regardless of whether the written request is submitted in accordance with the provisions of Section 5001.200(a) of this Part. The Agency may avail itself of all extensions of time and exceptions set forth in the FOIA.

b) If the request is approved, then the Agency shall make available the records, give notice that the material shall be made available upon payment of any fees charged pursuant to Section 5001.510 of this Part, or give notice of the time and place for inspection of the materials requested.

c) A written request from the Agency to the requester for additional information provided within the timelines specified in Section 3 or Section 3.1 of FOIA shall be considered a response to the FOIA request.

d) An individual or entity whose request for public records has been denied by the Agency may seek a review of that decision by the Public Access Counselor in accordance with the provisions of Section 9.5 of FOIA.

(Source: Amended at 35 Ill. Reg. 5407, effective March 17, 2011)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 5001.400 Appeal of a Denial (Repealed)

~~a) A requester whose request has been denied by the FIO may appeal the denial to the State Superintendent of Education. The notice of appeal shall be made in writing and sent to:~~

~~State Superintendent of Education~~
~~State Board of Education~~
~~100 North First Street~~
~~Springfield, Illinois 62777~~
~~ATTN: FOIA Appeal~~

~~b)~~ ~~The notice of appeal shall include a copy of the original request, a copy of the denial received by the requester, and a statement of the reasons the appeal should be granted. The Superintendent shall respond to the appeal in accordance with the FOIA.~~

(Source: Repealed at 35 Ill. Reg. 5407, effective March 17, 2011)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section 5001.510 Copies of Public Records; Fees

a) Copies of public records shall be provided to the requester only upon payment of any charges that are due.

b) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records," which shall be posted at http://www.isbe.net/htmls/foia.htm~~available in each of the Agency's offices~~.

c) ~~Charges shall be waived if fees for an individual request amount to $10 or less.~~ Charges shall ~~also~~ be waived if the request is from a State agency, a constitutional officer, or a member of the General Assembly. Charges shall not be waived when the records are to be used for political campaign purposes. Charges may be waived where the Agency determines that the waiver serves the public interest.

(Source: Amended at 35 Ill. Reg. 5407, effective March 17, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Real Estate License Act of 2000

2) Code Citation: 68 Ill. Adm. Code 1450

3)

Section Numbers:	Adopted Action:
1450.10	Repealed
1450.15	Repealed
1450.20	Repealed
1450.30	Repealed
1450.35	Repealed
1450.40	Repealed
1450.50	Repealed
1450.55	Repealed
1450.60	Repealed
1450.65	Repealed
1450.70	Repealed
1450.75	Repealed
1450.80	Repealed
1450.85	Repealed
1450.90	Repealed
1450.95	Repealed
1450.100	Repealed
1450.105	Repealed
1450.110	Repealed
1450.115	Repealed
1450.120	Repealed
1450.125	Repealed
1450.130	Repealed
1450.135	Repealed
1450.140	Repealed
1450.145	Repealed
1450.150	Repealed
1450.155	Repealed
1450.160	Repealed
1450.165	Repealed
1450.170	Repealed
1450.175	Repealed
1450.180	Repealed
1450.185	Repealed

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

1450.190	Repealed
1450.195	Repealed
1450.200	Repealed
1450.205	Repealed
1450.207	Repealed
1450.210	Repealed
1450.215	Repealed
1450.220	Repealed
1450.225	Repealed
1450.230	Repealed
1450.235	Repealed
1450.240	Repealed
1450.245	Repealed
1450.246	Repealed
1450.250	Repealed
1450.255	Repealed
1450.260	Repealed
1450.265	Repealed
1450.266	Repealed
1450.270	Repealed
1450.275	Repealed
1450.276	Repealed
1450.277	Repealed
1450.278	Repealed
1450.280	Repealed
1450.285	Repealed
1450.286	Repealed
1450.287	Repealed
1450.288	Repealed
1450.290	Repealed
1450.295	Repealed
1450.300	Repealed
1450.305	Repealed
1450.310	Repealed
1450.315	Repealed
1450.320	Repealed
1450.325	Repealed
1450.330	Repealed
1450.335	Repealed

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

1450.340 Repealed

4) Statutory Authority: Implementing the Real Estate License Act of 2000 [225 ILCS 454] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]

5) Effective Date of Repealer: March 21, 2011

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the principal office of the Division of Professional Regulation and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg.15949; October 22, 2010

10) Has JCAR issued a Statement of Objection to this Repealer? No

11) Differences between proposal and final version: None

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made.

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 Repealer: As a result of the sunset review process, the vast majority of the Real Estate License Act of 2000 was rewritten under Public Act 96-856. Due to the extensive statutory revisions and the need to update, rewrite and reorganize the underlying regulatory standards, at this time, the Division has now repealed the original Part 1450, while simultaneously promulgating a replacement regulation under the same Part number. The Division's omnibus re-write also appears in this Illinois Register for adoption.

16) Information and questions regarding this adopted repealer shall be directed to: Department of Financial and Professional Regulation

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

Attention: Craig Cellini
320 West Washington, 3rd Floor 217/785/0813 Fax: 217/557-4451
Springfield, IL 62786

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Real Estate License Act of 2000

2) Code Citation: 68 Ill. Adm. Code 1450

3)

Section Number:	Adopted Action:
1450.100	New Section
1450.110	New Section
1450.120	New Section
1450.130	New Section
1450.140	New Section
1450.150	New Section
1450.200	New Section
1450.210	New Section
1450.220	New Section
1450.230	New Section
1450.240	New Section
1450.250	New Section
1450.260	New Section
1450.300	New Section
1450.310	New Section
1450.320	New Section
1450.330	New Section
1450.340	New Section
1450.400	New Section
1450.410	New Section
1450.420	New Section
1450.430	New Section
1450.440	New Section
1450.450	New Section
1450.500	New Section
1450.510	New Section
1450.520	New Section
1450.530	New Section
1450.540	New Section
1450.550	New Section
1450.600	New Section
1450.610	New Section
1450.700	New Section
1450.705	New Section

1450.710	New Section
1450.715	New Section
1450.720	New Section
1450.725	New Section
1450.730	New Section
1450.735	New Section
1450.740	New Section
1450.745	New Section
1450.750	New Section
1450.755	New Section
1450.760	New Section
1450.765	New Section
1450.770	New Section
1450.775	New Section
1450.780	New Section
1450.785	New Section
1450.800	New Section
1450.810	New Section
1450.820	New Section
1450.830	New Section
1450.900	New Section
1450.905	New Section
1450.910	New Section
1450.915	New Section
1450.920	New Section
1450.925	New Section
1450.930	New Section
1450.935	New Section
1450.940	New Section
1450.945	New Section
1450.950	New Section
1450.955	New Section
1450.1000	New Section
1450.1100	New Section
1450.1105	New Section
1450.1110	New Section
1450.1115	New Section
1450.1120	New Section
1450.1125	New Section

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1450.1130	New Section
1450.1135	New Section
1450.1140	New Section
1450.1145	New Section
1450.1150	New Section
1450.1155	New Section
1450.1160	New Section
1450.1165	New Section
1450.1170	New Section
1450.1200	New Section

4) Statutory Authority: Implementing the Real Estate License Act of 2000 [225 ILCS 454] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]

5) Effective Date of Rulemaking: March 21, 2011

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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Professional Regulation and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg.16062; October 22, 2010

10) Has JCAR issued a Statement of Objection to this Rulemaking? No

11) Differences between proposal and final version:

In Section 1450.110(a)(4)(B), at the end of this subsection, delete the period and add "; or" following "employed".

In Section 1450.110(a)(4), add a new subsection, "C) upon presentation of a license expired for less than 2 years."

In Section 1450.110(a)(6), at the end of this subsection, delete "in the broker's office" and add "pursuant to Section 1450.730" in lieu thereof.

In Section 1450.110(b), delete "(before March 15, 2011),".

In Section 1450.110(b)(3)(B)(iii), add ", 1450.430 and 1450.520" following "1450.320".

In Section 1450.110(3)(E), change "E)" to "C)".

In Section 1450.130(g)(7), following "a", add "license for a".

In Section 1450.130(i), on the 1st line following "Section", add "shall be made out to the Department of Financial and Professional Regulation and".

In Section 1450.140(h)(3), remove the last sentence to read "4) After April 30, 2011 an individual renewing his or her license pursuant to this subsection (h) shall be issued a license equivalent to the license held when employed by the Division.".

In Section 1450.140(i), in the last sentence, change "20" to "30".

In Section 1450.220(b), in the 2nd sentence, delete "the" following "on".

In Section 1450.240(a), in the 3rd sentence, delete "managing" following "A".

In Section 1450.250(c), add ", 1450.1145 and 1450.1155" following "1450.1130".

In Section 1450.250(e), in the 1st sentence, delete "pursuant to Section 1450.920". Also, after the 1st sentence, add the following new text and 3 new subparagraphs: "When, during an audit or compliance review, the Division determines that a licensee may be deficient in complying with CE requirements, the Division will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is mailed to submit to the Division evidence of compliance with CE requirements.

1) If satisfactory evidence of compliance with CE requirements (as set forth in Section 1450.450 (c)(2)) is submitted, the Division shall notify the licensee, by first class mail, that the licensee is in compliance.

2) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to Section 1450.450(c)(1), but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, the Division shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

3) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20 of the Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. The Division shall send notice, in accordance with Section 20-60 of the Act, indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.".

In Section 1450.260, on the last line, delete "Sections 1450.110 and 1450.1130" and add "Subpart K" in lieu thereof.

In Section 1450.320(b), delete "one year from the date of receipt of a passing score on the examination" and add "until April 30, 2011," in lieu thereof.

In Section 1450.330, add the new subsection "d) Salespersons licensed by reciprocity on, or before April 30, 2011, must comply with the transition requirements pursuant to Section 5-46 of the Act and this Part.".

In Section 1450.330(d), on the 1st line, delete the comma following "on" and "2011". On the 2nd line delete "pursuant to" and add "of" in lieu thereof.

In Section 1450.440, add the new subsection "d) Brokers licensed by reciprocity on or before April 30, 2011 must comply with the transition requirements of Section 5-47 of the Act and this Part.".

In Section 1450.540(a)(2), delete the last sentence and add the following in lieu thereof: "In order to promote uniformity and consistency, the Division, with the advice of the Advisory Council, will provide a standardized syllabus or course outline to be utilized by all course providers.".

In Section 1450.540(b)(3), on the 1st line, delete "the" following the comma and add "shall be obtained through courses" following "CE". On the 2nd line, delete "Education" and add "and the CE requirement" following "Council".

In Section 1450.550(a), following the 1st sentence, text is re-structured and added to this subsection. It will now read as follows: "The transition period for those licensees who are brokers as of April 30, 2011 shall be the one year period from May 1, 2011 to April 30, 2012. During the transition period, the managing broker can supervise licensees if he or she has a managing broker license or broker license issued prior to May 1, 2011. Any licensee named as a managing broker by the sponsoring broker after April 30, 2012 shall have, or obtain within 90 days after being named as a managing broker, a managing broker license.".

In Section 1450.600(a), (g) and (h), on the 2nd line, delete "or partnership" and add ", partnership or limited partnership" in lieu thereof.

In Section 1450.600(a)(3), add "provided in the Division's applicant licensing packet" following "form".

In Section 1450.700(c), in the last sentence, delete "sales associates" and add "sponsored licensee" in lieu thereof.

In Section 1450.720(c), change "HomePage" to "Home Page" for consistency through-out this Part.

In Section 1450.735(a), on the 1st line following "broker", delete ", other than sole proprietors with no additional sponsored licensees,". Also, add the following new

sentence to the end of this subsection: "Sole proprietors shall not be required to have an employment contract with themselves, but shall have an employment agreement with every sponsored licensee.".

In Section 1450.750(g)(2), on the 1st line, add "(i)" following "(A)".

In Section 1450.750(g)(3), on the 2nd line, add "(ii)" following "(A)".

In Section 1450.760, in the 2nd sentence, after "and any interest", delete "the" and add "greater than 1% (see, Section 10-10(c) of the Act) that the".

In Section 1450.770(b)(4), add "buyer or" following "of the".

In Section 1450.770(c)(6), add "owner or" following "of the".

In Section 1450.780, the 2nd sentence now reads as follows: "In order to meet the license requirement, the person receiving the referral fee must be duly licensed as a real estate broker or managing broker in Illinois or hold an equivalent license of another state or country of domicile.".

In Section 1450.810(d), move the last sentence up to the introductory paragraph of this Section where it will become the 1st sentence.

In Section 1450.900(o), now reads as follows: "o) Any conduct that constitutes a breach of duty to the client and causes harm to the client in the future. In establishing harm, the Department need not prove actual economic damage to the client."

In Section 1450.905, all text in this 1st sentence is made standard font. Also, on the 2nd line, delete "61" and add "60" in lieu thereof. The statutory citation "[225 ILCS 454/20-65]" is deleted.

In Section 1450.905(a)(3), at the end of this subsection, delete "and".

In Section 1450.915(b), on the last line, delete "Division" and add "Department" in lieu thereof.

In Section 1450.930(c), (c)(5) and (e), delete "Department" and add "Division" in lieu thereof.

In Section 1450.930(c)(3) and (4), delete "Department's" and add "Division's" in lieu thereof.

In Section 1450.1100(a), on the 3rd line, add "to the Division" following "submit". On the 4th line add a comma following "Division".

In Section 1450.1105(b), on the 2nd line, delete "an" and add "a comprehensive timed" in lieu thereof.

In Section 14450.1105(c)(4), on the last line, delete "EAC" and add "Advisory Council" in lieu thereof.

In Section 1450.1105(h), delete proposed text. This subsection now reads: "The course content of the 30 credit hour course in subsection (f) shall be used to comply with the transition education required for a salesperson transitioning to a broker license pursuant to Section 5-46(a)(1) of the Act. However, there shall not be a classroom or interactive delivery method requirement for the transition education.".

In Section 1450.1105(i), delete proposed text. This subsection now reads: "The course content of the 45 credit hours required in subsection (g) shall be used to comply with the transition education required for a broker transitioning to a managing broker license pursuant to Section 5-47(a)(1) of the Act. However, there shall not be a classroom or interactive delivery method requirement for the transition education.".

In Section 1450.1105(m), on the 1st line, delete "detailed" and add "comprehensive" in lieu thereof.

In Section 1450.1110(d), on the 2nd line, delete "an" and add "course" in lieu thereof. Also make "outline", "description" and "key" plural.

In Section 1450.1115(a)(1), change the label "1)" to "3)" and move it accordingly. Also, add ", in addition to the requirements of subsections (a)(1) and (2), " following "2011". The comma after "12 hour" is deleted. Next, change the label "2)" to "1)" and move it accordingly. And finally, change the label "3)" to "2)" and move it accordingly, adding "or" after subparagraphs (A) and (B) there under.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

In Section 1450.1120(c), on the 1st line, add the following language following "2012": "in order to allow sufficient time for the exams to be scored and for results to be shared with licensees. Further, in the event that a licensee fails the exam, he or she will have the opportunity to complete the required coursework before the statutory deadline.". In the last sentence, add "Section" in front of "1450.1105".

In Section 1450.1125(b), on the 5th line, delete "(c)" and add "(b)" in lieu thereof.

In Section 1450.1125(e)(1)(A), delete "State Militia" and add "Illinois National Guard" in lieu thereof.

In Section 1450.1135(a), on the 2nd line, delete "may" and add "shall" in lieu thereof. Also, on the last line, delete "April 30" and add "May 1" in lieu thereof.

In Section 1450.1135(g), the 1st sentence now reads: "Each CE course shall include one or more subjects from either the core category or elective category (see Section 1450.340(b)(3)(A) or (b)(3)(B), 1450.450(b)(3)(A) or (b)(3)(B), or 1450.540(b)(3)(A) or (b)(3)(B)) regardless of whether students are in actual attendance or participating in distance education coursework.".

In Section 1450.1145(d), at the end of the last sentence following "Act", add "and 68 Ill. Adm. Code 1100".

In Section 1450.1150(e)(1)(A), delete "State Militia" and add "Illinois National Guard" in lieu thereof.

In Section 1450.1150(g), on the 2nd line, delete "prerenewal period" and add "last 6 years" in lieu thereof.

In Section 1450.1155(i), on the 1st line, delete "should" and add "shall" in lieu thereof.

In Section 1450.1165(c), delete "F" and add "I" in lieu thereof.

In Section 1450.1200(a) and (c), in the last sentence, before the first mention of "of 9", add "a minimum of". Also, add "a maximum of" where "9" is mentioned again.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

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: Public Act 96-856 was the sunset reauthorization of the Real Estate License Act of 2000. As a result of these statutory changes, Part 1450 has now been updated, reorganized and rewritten. At this time, the Department has also repealed the original Part 1450, having brought the sustainable provisions under the original Part into these rules.

Major changes in the Act require existing licensees to be transitioned to the new license categories by May 1, 2011. Among the major changes to the Act is that the current entry level license "salesperson" will be required to obtain additional pre-license hours, at which time he or she will transition to a broker license. The existing salesperson license will be eliminated entirely. Also, a new managing broker license has been added to the Act, which is intended to distinguish brokers who run an office and manage licensees from those who do not. This new category likewise has unique transitional provisions for licensure and education.

In addition to the changes noted above, the adoption of this Part will codify numerous non-substantive changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785/0813 Fax 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450
REAL ESTATE LICENSE ACT OF 2000

SUBPART A: GENERAL

Section
1450.100 Definitions
1450.110 Sponsor Cards
1450.120 Assumed Name
1450.130 Fees
1450.140 Renewals
1450.150 Licensee Change of Information

SUBPART B: LICENSING AND EDUCATION FOR LEASING AGENT

Section
1450.200 Leasing Agent General Provisions
1450.210 Leasing Agent Examination Requirement
1450.220 Issuance of Leasing Agent License
1450.230 Leasing Agent Termination of Employment
1450.240 Leasing Agent 120 Day Permit
1450.250 Leasing Agent Continuing Education Requirements
1450.260 Approved Courses, Schools and Instructors for Leasing Agents

SUBPART C: LICENSING AND EDUCATION FOR SALESPERSON

1450.300 Salesperson Educational Requirements to Obtain a License
1450.310 Salesperson Examination
1450.320 Applications for Salesperson License by Examination
1450.330 Application for Salesperson License by Reciprocity
1450.340 Salesperson Continuing Education

SUBPART D: LICENSING AND EDUCATION FOR BROKER

1450.400 Broker Educational Requirements to Obtain a License
1450.410 Broker Post-License Educational Requirement

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1450.420 Broker Examination
1450.430 Application for Broker License by Examination
1450.440 Application for Broker License by Reciprocity
1450.450 Broker Continuing Education

SUBPART E: LICENSING AND EDUCATION FOR MANAGING BROKER

1450.500 Managing Broker Educational Requirements to Obtain a License
1450.510 Managing Broker Examination
1450.520 Application for Managing Broker License by Examination
1450.530 Application for Managing Broker License by Reciprocity
1450.540 Managing Broker Continuing Education
1450.550 Managing Broker Licensee Transition Provision

SUBPART F: CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS AND LIMITED PARTNERSHIPS

1450.600 Corporations, Limited Liability Companies, Partnerships and Limited Partnerships
1450.610 Branch Offices

SUBPART G: COMPENSATION AND BUSINESS PRACTICES

Section
1450.700 Managing Broker Responsibilities
1450.705 Supervision
1450.710 Discrimination
1450.715 Advertising
1450.720 Internet Advertising
1450.725 Office Identification Signs
1450.730 Display of Licenses
1450.735 Employment Agreements
1450.740 Unlicensed Assistants
1450.745 Corporation for Indirect Payment
1450.750 Special Accounts
1450.755 Recordkeeping
1450.760 Disclosure of Compensation
1450.765 Disclosure of Licensee Status
1450.770 Brokerage Agreements and Listing Agreements

1450.775 Written Agreements
1450.780 Referral Fees and Affinity Relationships
1450.785 Rental Finding Services

SUBPART H: AGENCY RELATIONSHIPS

Section
1450.800 Confidentiality
1450.810 Failure to Disclose Information Not Affecting Physical Condition
1450.820 Licensee Serving as a Dual Agent in a Transaction in Which a Licensee is a Party to the Transaction
1450.830 Disclosure of Contemporaneous Offers

SUBPART I: DISCIPLINE RULES AND PROCEDURES

Section
1450.900 Unprofessional Conduct
1450.905 Temporary Suspension
1450.910 Otherwise Discipline
1450.915 Dissolution: Effect of Suspension or Revocation of Sponsoring Brokers or Managing Brokers
1450.920 Inspections and Audits
1450.925 Audits of Special Funds by Outside Auditors
1450.930 Case File Review Committee
1450.935 Peer Review Advisor
1450.940 Hearings
1450.945 Real Estate Recovery Fund
1450.950 Automatic Termination Upon Order to Pay Out from the Real Estate Recovery Fund
1450.955 Advisory Letters

SUBPART J: GRANTING VARIANCES

Section
1450.1000 Granting Variances

SUBPART K: PRE-LICENSE SCHOOLS AND CONTINUING EDUCATION POVIDERS

Section

1450.1100 Pre-License Schools
1450.1105 Curriculum for Pre-License Schools
1450.1110 Expiration Date and Renewal Period for Pre-License Schools
1450.1115 Pre-License Instructors
1450.1120 Administration of Proficiency Examinations and Eligibility to Take the Proficiency Exam and Transition Courses
1450.1125 Expiration Date and Renewal Period for Pre-License Instructors
1450.1130 Continuing Education Schools
1450.1135 Curriculum for Continuing Education Schools and Course Registration Process
1450.1140 Expiration Date and Renewal Period for Continuing Education Schools
1450.1145 Continuing Education Instructors
1450.1150 Expiration Date and Renewal Period for Continuing Education Instructors
1450.1155 Distance Education Courses
1450.1160 Recruitment at Test Center
1450.1165 Discipline of Schools or Instructors
1450.1170 Real Estate Advisory Council

SUBPART L: CONTINUING EDUATION TRANSITIONAL PROVISIONS

Section
1450.1200 Continuing Education Requirements for Transitioned Licensees

AUTHORITY: Implementing the Real Estate License Act of 2000 [225 ILCS 454] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Old Part repealed at 35 Ill. Reg. 5414 and new Part adopted at 35 Ill. Reg. 5418, effective March 21, 2011.

SUBPART A: GENERAL

Section 1450.100 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for purposes of this Part.

"Act" means the Real Estate License Act of 2000 [225 ILCS 454].

"Advisory Council" means the Real Estate Education Advisory Council created by Section 30-10 of the Act.

"Affidavit of Non-participation" means a sworn statement made by an unlicensed person associated with or an owner of a licensed real estate corporation, limited liability company, partnership or limited partnership attesting that the unlicensed person is not actively directing or engaging in real estate activities as part of that association or ownership.

"Board" means the Real Estate Administration and Disciplinary Board created by Section 25-10 of the Act.

"Certificate of registration" means the document issued by the Division indicating approval of a continuing education course for which CE credit can be granted.

"Compliance agreement" means an agreement entered into between a licensee and the Division in conjunction with an administrative warning letter.

"Credit hour" means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance education program approved by the Division.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Discipline" means a refusal to issue or renew a license, probation, suspension or revocation of a license, reprimand, fine or any other sanction explicitly provided for in the Act.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record. [5 ILCS 175/5-105]

"Interactive delivery method" means live instruction and real time discussion via satellite, video, online via webcam or similar communication that occurs between

the instructor and students in real estate courses approved by the Real Estate Education Advisory Council. (See Section 5-27(a)(5) of the Act.)

"Managing broker" means, prior to May 1, 2011, a broker and, after April 30, 2011, a broker or licensed managing broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker. All licensees acting as a managing broker or self-sponsored broker after April 30, 2012 must have a managing broker license or obtain one within 90 days after being named a managing broker. Refer to the definition of sponsoring broker.

"Moral turpitude" means conduct that is inherently base, depraved or vile.

"Office" means a real estate broker's place of business where the general public is invited to transact business, from which sponsored licensees work and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business. When determining whether an office exists, the following shall be considered by the Division:

An office is any business location or structure that is owned, controlled, operated or maintained by a person who, at that location or structure, is:

engaging in licensed activities;

offering real estate services to consumers;

holding out to the public that the person is engaged in the practice of real estate brokerage;

maintaining original real estate documents and records related to active or pending transactions;

maintaining current escrow records; or

meeting consumers for the purpose of engaging in real estate licensed activities.

The following places do not constitute an office:

a motor vehicle primarily used for transportation;

a place whose purpose is solely devoted to advertising real estate matters of a general nature or to making a sponsoring broker's business name generally known;

a place that a licensee uses solely for storage or archiving of records; or

a licensee's residence unless held out to the public as a location at which real estate brokerage services are available to the public.

A licensee engaged in the practice of real estate brokerage shall maintain an office. If the licensee is sponsored by another, then the office shall be the office of the sponsoring broker.

A post office box, mail drop location, or other similar facility shall not constitute an office, so long as none of the activities described in this definition take place at this facility.

"Proctor" means any person, including, but not limited to, an instructor, who has a written agreement to administer examinations fairly and impartially with a licensed pre-license school or a licensed continuing education school. Proctoring may be by electronic means.

"School branch" means a location where a pre-license school provides instruction other than the sponsoring school's principal location.

"Semester hours" shall be converted into quarter hours at a ratio of 2 semester hours to 3 quarter hours.

"Sole owner" when used to describe a licensee means a licensee who has a 100% ownership interest alone, has ownership as a joint tenant or tenant by the entirety, or holds 100% beneficial interest in a land trust.

"Sponsoring broker" means the broker or managing broker who has issued a sponsor card to a salesperson, a broker, a licensed managing broker or a leasing agent, or is self-sponsored.

There shall be only one sponsoring broker for any one real estate company. According to this definition, the sponsoring broker is the entity holding the company real estate license, whether the entity is an individual who operates as a sole proprietorship, partnership, limited liability company, corporation or registered limited liability partnership.

The entity that is the sponsoring broker for the real estate company may delegate its duties in accordance with company policy to appropriate company personnel authorized to act and sign on behalf of the sponsoring broker.

Some examples include, but are not limited to:

the sponsoring broker could authorize a managing broker for the company to sign sponsor cards in the name of the sponsoring broker;

the sponsoring broker could authorize a qualified company employee or independent contractor to oversee bookkeeping duties relative to the sponsoring broker's escrow account;

the sponsoring broker may delegate authorized signers for the escrow account to sign on behalf of the sponsoring broker; and

the sponsoring broker may delegate to authorized company personnel the ability to sign contracts entered into by the sponsoring broker in accordance with the sponsoring broker's company policy.

Section 1450.110 Sponsor Cards

a) Leasing Agent

1) Except for a person working under a 120 day leasing agent permit as provided in Section 1450.240, no leasing agent license applicant may engage in the activities of a licensed leasing agent until a valid sponsor card has been issued to the applicant.

2) A sponsoring broker shall prepare, upon forms provided by the Division, and deliver to each leasing agent employed by the broker a sponsor card certifying that the person whose name appears on the card is in fact employed by that broker, and that the applicant has not practiced under a 120 day leasing agent permit for more than 120 days.

3) A sponsor card properly issued pursuant to this Section shall serve as a temporary permit allowing the sponsored individual to engage in practice as a leasing agent until the applicant is issued a leasing agent license. An applicant may practice under a sponsor card temporary permit for a maximum of 45 days.

4) A sponsoring broker may issue a sponsor card to an individual only in the following circumstances:

A) upon presentation of a leasing agent examination pass score report stating that the broker may issue a sponsor card; or

B) upon presentation of an original leasing agent license that is endorsed by the broker by whom the leasing agent was previously employed; or

C) upon presentation of a license expired for less than 2 years.

5) The sponsoring broker shall, within 24 hours after issuance of the sponsor card, submit the following to the Division by regular mail or a signature restricted delivery service determined appropriate by the sponsoring broker.

A) For applicants for an initial leasing agent license:

i) a copy of the sponsor card and transcript, if applicable;

ii) a leasing agent examination pass score report stating that the broker may issue a sponsor card;

iii) a leasing agent license application that is signed by the applicant and on which all questions have been answered; and

iv) the license application fee required by Section 1450.130.

B) For persons already holding a leasing agent license:

i) a copy of the sponsor card; and

ii) the properly endorsed leasing agent license and pocket card of the sponsored licensee.

6) A sponsoring broker issuing a sponsor card shall retain a copy of the sponsor card until such time as the leasing agent license is received and properly displayed pursuant to Section 1450.730.

b) Salesperson, Broker and Managing Broker

1) A properly issued sponsor card shall serve as a temporary permit allowing the sponsored individual to engage in the practice of real estate for a maximum of 45 days only for the sponsoring broker named on the sponsor card.

2) The sponsoring broker shall issue a sponsor card to an individual only in the following instances:

A) Upon presentation of a real estate examination pass score report stating that the sponsoring broker may issue a sponsor card;

B) Upon presentation of an original license endorsed by the sponsoring broker by whom the licensee was previously employed or with whom the licensee was previously associated; or

C) Upon presentation of a license expired for less than 2 years.

3) Upon issuance of a sponsor card, the issuing sponsoring broker shall, within 24 hours after issuance, submit the following to the Division by regular mail or a signature restricted delivery service determined appropriate by the sponsoring broker:

A) For Licensees

i) a copy of the sponsor card and transcript, if applicable;

ii) appropriate sponsor card fee as set forth in Section 1450.130; and

iii) one of the following:

- the properly endorsed real estate license and pocket card of the sponsored licensee; or

- an expired license of the sponsored licensee along with the fee required by Section 1450.130 and proof of education, if applicable, as required by Section 5-50 of the Act; or

- the pocket card of the licensee and a sworn statement by the licensee explaining why the license is not submitted; or

- if neither the license nor pocket card is available, the status of the license as verified by the Director or his or her designee.

B) For Salesperson, Broker and Managing Broker Applicants

i) a copy of the sponsor card and transcript, if applicable;

ii) a real estate pass score report stating that the sponsoring broker may issue a sponsor card; and

iii) other documentation as required by Section 1450.320, 1450.430 and 1450.520.

C) Should an applicant be found not to have completed all the requirements, the applicant's sponsor card shall be void, the applicant shall be considered to have never been authorized to practice, and the applicant shall be subject to disciplinary action in

accordance with Section 20-20 of the Act and Section 1450.900 of this Part.

4) A licensed real estate broker, prior to May 1, 2012, or a managing broker may practice as a sole proprietor, partnership, corporation or limited liability company provided that, prior to doing business, the broker complies with the licensing requirements for partnerships, corporations or limited liability companies set forth in Section 1450.600 and submits the following to the Division by regular mail or a signature restricted delivery service:

A) a copy of the sponsor card issued to himself or herself;

B) the appropriate sponsor card fee required by Section 1450.130; and

C) one of the following:

i) Prior to May 1, 2012, his or her properly endorsed real estate broker or managing broker license and pocket card. After April 30, 2012, his or her managing broker license and pocket card; or

ii) Prior to May 1, 2012, an expired broker license, or, after April 30, 2012, an expired managing broker license along with the fee required by Section 1450.130 and proof of education, if applicable, as required by Section 5-50 of the Act; or

iii) the pocket card and a sworn statement by the licensee explaining why the license is not submitted. If neither the license nor the pocket card is available, the status of the license shall be verified by the Director or his or her designee; or

iv) a completed consent to audit and examine special accounts form if one is not already on file.

5) The Division shall, within 30 days after receipt of the sponsor card, appropriate fees and appropriate documentation, issue a license to the

sponsored licensee or notify the applicant why the license cannot be issued.

6) Expiration of the Sponsor Card. A sponsor card shall be valid for a period of 45 days from issue date unless extended for an additional 45 days by the Division for good cause.

A) Good cause shall be limited to those instances in which the Division has unnecessarily delayed the processing of a license.

B) The request for extension shall be considered granted only upon written notice from the Division.

7) The sponsoring broker shall retain a copy of the sponsor card until the license is received.

8) Upon termination of a licensee, a sponsoring broker shall immediately:

A) Endorse the licensee's license as provided for on that document;

B) Submit a photocopy of the endorsed license to the Division within 2 business days after termination by regular mail or a signature restricted delivery service determined appropriate by the sponsoring broker;

C) Retain a copy of the endorsed license at least until the expiration date printed on that license; and

D) Give the original endorsed license to the licensee.

9) Once a license has been endorsed, the licensee is prohibited from practicing real estate until the licensee is issued a properly completed sponsor card.

10) Each licensee shall carry either a properly issued sponsor card or a valid pocket card at all times and shall display same upon demand.

Section 1450.120 Assumed Name

a) If a sponsoring broker acting as a sole proprietor operates under any name other than that appearing on his or her license, the sponsoring broker shall submit to the Division a certified copy of the broker's registration under the Assumed Business Name Act [805 ILCS 405]. The assumed business name registration shall be obtained in each county in which the assumed business name is used. Any corporation, limited partnership, general partnership or limited liability company operating under any name other than that appearing on its application for a license shall provide to the Division a copy of the filing or certificate authorizing it to do business under an assumed name. Sponsored licensees, including groups of licensees commonly referred to as "teams", may not operate under an assumed business name other than that of their sponsoring broker.

b) The licensee shall submit the information to the Division within 30 days after use of the assumed name.

Section 1450.130 Fees

a) License of a Leasing Agent

1) The application fee for an initial leasing agent license shall be $75.

2) The application fee to renew a leasing agent license shall be $50 per year.

3) The late renewal fee for leasing agent licenses renewed after the expiration date of the license shall be $50.

4) The fee for issuing a 120 day leasing agent permit shall be $25.

b) License of Real Estate Salesperson

1) The fee for an initial license as a salesperson is $125. The fee must accompany the application to determine the applicant's fitness to receive a license.

2) The fee for renewal of a salesperson's license that has been expired for not more than 2 years, as provided for in Section 5-50 of the Act, is the sum of all lapsed renewal fees plus $50. However, no salesperson license will be renewed after April 30, 2011.

c) License of Broker

1) The fee for an initial license as a broker is $125. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a broker's license that has not expired shall be calculated at the rate of $75 per year.

3) The fee for the renewal of a broker's license that has been expired for not more than 2 years, as provided for in Section 5-50 of the Act, is the sum of all lapsed renewal fees plus $50.

d) License of Managing Broker

1) The fee for an initial license as a managing broker is $150. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a managing broker's license that has not expired shall be calculated at the rate of $100 per year.

3) The fee for the renewal of a managing broker's license that has been expired for not more than 2 years, as provided for in Section 5-50 of the Act, is the sum of all lapsed renewal fees plus $50.

e) License of Partnership, Limited Liability Company or Corporation

1) The fee for an initial license for a partnership, limited liability company or corporation is $125. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a license for a partnership, limited liability company or corporation shall be calculated at the rate of $75 per year.

3) The fee for the renewal of a license for a partnership, limited liability company or corporation that has been expired is the sum of all lapsed renewal fees plus $50.

f) License for Branch Office

1) The fee for an initial license for a branch office is $125. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a branch office license shall be calculated at the rate of $75 per year.

3) The fee for the renewal of a branch office license that has been expired is the sum of all lapsed renewal fees plus $50.

g) Pre-License School, Instructor and Course Fees

1) The fee for an application for initial approval of a pre-license school is $1,025. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for renewal of approval of a pre-license school shall be calculated at the rate of $525 per year.

3) The fee for the renewal of approval of a pre-license school that has been expired is the sum of all lapsed renewal fees plus $50.

4) The fee for an application for initial approval of a branch for a pre-license school is $175 per branch. The fee must accompany the application to determine an applicant's fitness to receive approval.

5) The fee for renewal of approval of a branch for a pre-license school shall be calculated at the rate of $125 per branch per year.

6) The fee for the renewal of approval of a branch for a pre-license school that has been expired is the sum of all lapsed renewal fees plus $50.

7) The fee for transferring a license for a branch location shall be $25 per transfer.

8) The fee for application for initial approval of a pre-license instructor is $125. The fee must accompany the application to determine the applicant's fitness for approval.

9) The fee for renewal of approval of a pre-license instructor shall be calculated at the rate of $125 per year.

10) The fee for the renewal of approval of a pre-license instructor that has been expired is the sum of all lapsed renewal fees plus $50.

11) The fee for application for initial approval of a pre-license course is $125. The fee must accompany the application for approval.

12) The fee for renewal of approval of a pre-license course shall be calculated at the rate of $50 per year.

13) The fee for the renewal of approval of a pre-license course that has been expired is the sum of all lapsed renewal fees plus $50.

h) Continuing Education School, Instructor and Course Fees

1) The fee for an application for initial approval as a continuing education (CE) school shall be $2,025. The fee must accompany the application to determine an applicant's fitness for approval.

2) The fee for renewal of approval as a CE school shall be $2,025 per year.

3) The fee for renewal of approval as a CE school which has expired shall be all lapsed renewal fees plus $50.

4) The fee for an application for initial approval as a CE instructor shall be $75. The fee must accompany the application to determine an applicant's fitness to receive approval.

5) The fee for renewal of approval as a CE instructor shall be $75 per year.

6) The fee for the renewal of approval as a CE instructor that has been expired shall be all lapsed renewal fees plus $50.

7) The fee for an application for initial approval of a CE course shall be $125. The fee must accompany the application for approval.

8) The fee for renewal of approval of a CE course shall be $50 per year.

9) The fee for renewal of approval of a CE course that has expired shall be all lapsed renewal fees plus $50.

i) General

1) All fees paid pursuant to the Act and this Section shall be made out to the Department of Financial and Professional Regulation and are non-refundable.

2) The fee for the issuance of a duplicate license or pocket card, for the issuance of a replacement license or pocket card for a license or pocket card that has been lost or destroyed, for the issuance of a license with a change of name or address other than during the renewal period, or for the issuance of a license with a change of location of business, is $25.

3) The fee for a certification of a licensee's record for any purpose is $25.

4) The fee for a wall license showing registration shall be the cost of producing the license.

5) The fee for a roster of persons licensed under the Act or for a list of licensees sponsored by the sponsoring broker shall be the cost of producing the roster.

6) Applicants for an examination as a leasing agent, broker, salesperson or instructor shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.

7) The fee for requesting a waiver of continuing education requirements pursuant to Section 5-70(b) of the Act, or obtained while out-of-state pursuant to Section 5-75 of the Act, shall be $25.

8) The fee for processing a sponsor card other than at the time of original licensure is $25.

9) The fee for a copy of a transcript of the proceedings under Section 20-62 of the Act shall be the cost of a copy of the transcript. A copy of the balance of the record will be provided at the Division's cost for producing the record.

10) The fee for certifying the record referred to in Section 20-73 of the Act is $1 per page of the record.

11) The Division may charge an administrative fee not to exceed $500, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 20-20 of the Act .

12) Each university, college, community college or school supported by public funds shall be exempt from the school licensure fees provided each university, college, community college or school meets the following criteria and certifies to the Division that:

A) the facility is supported by public funds;

B) the instructors are considered full-time faculty and are supported by public funds or if the administrator of the real estate school/program/curricula is considered full-time with exclusive responsibility for the administration of the real estate school/program/curricula and is supported by public funds;

C) the program, pre-license and/or continuing education revenues are deposited into the general fund of the university, college, community college or school, as are other appropriated public funds; and

D) the program, pre-license and/or continuing education is not a for-profit division of the university, college, community college or school.

Section 1450.140 Renewals

a) Every leasing agent license issued under the Act shall expire on July 31 of each even-numbered year.

b) Every salesperson's license issued under the Act shall expire on April 30, 2012.

c) Every broker's license issued under the Act shall expire on April 30 of each even-numbered year. Sponsoring brokers shall also submit a properly completed consent to audit and examine special accounts form.

d) Every managing broker's license issued under the Act shall expire on April 30 of each odd-numbered year; except that the initial managing broker renewal after the transition period found in Section 5-47 of the Act will be on April 30, 2013.

e) Every license issued to a corporation, limited liability company, partnership, limited partnership or branch office under the Act shall expire on October 31 of each even-numbered year. The holder of the license shall submit the following:

1) A properly completed consent to audit and examine special accounts form; and

2) A properly completed change of business information form as provided for in Section 1450.150.

f) Renewal applications shall be submitted on forms provided by the Division. All renewals shall include the name and license number of the sponsoring broker. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

g) Practicing or offering to practice on an expired or inoperative license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.

h) Any leasing agent, salesperson, broker or managing broker whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fee, provided that the license expired while the licensee was:

1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard,

the State Militia called into the service or training of the United States; or

2) engaged in training or education under the supervision of the United States prior to induction into military service; or

3) serving as an employee of the Division. A licensee renewing his or her license in accordance with this subsection (h)(3) may renew the license within a period of 2 years following the termination of service and is not required to take a refresher course or a retest.

4) After April 30, 2011 an individual renewing his or her license pursuant to this subsection (h) shall be issued a license equivalent to the license held when employed by the Division.

i) In accordance with Section 5-50 of the Act, any licensee whose license has expired for more than 2 years shall not be eligible for renewal of that license. Any licensee whose license has been expired for less than 2 years may renew the license at any time by complying with the requirements of this Part, by paying the fees required by Section 1450.130 and by providing the Division with evidence that the licensee has satisfactorily completed the required continuing education courses, including 6 hours per year for each year during which the license was expired. However, no salesperson license will be renewed after April 30, 2011.

j) In accordance with Section 5-50 of the Act, upon request, the Division shall prepare and mail or deliver electronically to the sponsoring real estate broker a listing of licensees who, according to the records of the Division, are sponsored by that broker. The sponsoring broker shall notify the Division concerning any inaccuracies in the listing within 30 days after its receipt.

k) A notice of renewal shall be sent to all sponsoring brokers, by mail or electronic means, for all of the sponsored licensees for the sponsoring broker.

Section 1450.150 Licensee Change of Information

a) It is the responsibility of each licensee to immediately notify the Division of any change of name, address or office location. For example, if the licensee has had a name change either by court order or due to a change in marital status, the licensee shall notify the Division of the name change together with a copy of the marriage certificate or portions of the court order relating to the name change, and

indicate under which name the license shall issue. If the licensee regularly practices under a diminutive of his or her first name (e.g., Meg for Margaret or Mark for Mariusz or Sam for Shamim), last name or a middle name instead of the licensee's full legal name, the licensee shall notify the Division of the alternate name. To help ensure proper credit, the licensee shall ensure that all continuing education certificates are issued under the name of licensure.

b) It is the responsibility of each sponsoring broker to immediately notify the Division of any change of business information.

1) When a licensee acquires or transfers any interest in a corporation, limited liability company, partnership or limited partnership licensed under the Act, the sponsoring broker shall submit to the Division a notice prescribed by the Department.

2) When a licensee becomes an officer or manager of a corporation, limited liability company, partnership or limited partnership licensed under the Act, the sponsoring broker shall submit to the Division a notice prescribed by the Department. Any changes in managing brokers, branch or principal offices shall be reported in writing to the Division within 15 days after the change.

SUBPART B: LICENSING AND EDUCATION FOR LEASING AGENT

Section 1450.200 Leasing Agent General Provisions

a) A licensed leasing agent shall not engage in any licensed activities other than those activities relating to the leasing of residential real property. A licensed leasing agent may not offer or negotiate the sale or exchange of real estate, or engage in any other activities described in Section 1-10 of the Act not relating to the leasing of residential real estate.

b) No person other than a duly authorized managing broker, broker, salesperson or leasing agent or an individual working under a 120 day leasing agent permit shall engage in, for compensation, residential leasing activities for which a license is required under the Act.

c) No leasing agent licensee may accept compensation for the performance of leasing agent activities except from the sponsoring broker by whom the licensee is

employed.

Section 1450.210 Leasing Agent Examination Requirement

a) The Division or its designated testing service shall conduct the examinations at times and places as the Division shall approve.

b) If a person who has received a passing score on the examination fails to file an application and meet all requirements for a leasing agent license within one year after receiving a passing score on the examination, credit for the examination shall terminate. The person thereafter may make a new application for examination.

c) If an individual has failed the examination four times, the individual must repeat the education requirement set forth in Section 5-10 of the Act prior to taking the examination again.

Section 1450.220 Issuance of Leasing Agent License

a) The Division shall, within 30 days after receipt of the copy of the sponsor card and other documentation submitted by the issuing broker, issue a leasing agent license and a pocket card to the sponsored licensee or notify the applicant why the license cannot be issued.

b) A leasing agent license shall be readily available to the public as provided for in Section 1450.730. Each licensee shall carry on his or her person the pocket card or, if a pocket card has not yet been issued, a properly issued sponsor card, when engaging in any licensed activity. The licensee shall display the pocket card or sponsor card upon demand.

Section 1450.230 Leasing Agent Termination of Employment

a) Upon termination of employment of a leasing agent licensee, the sponsoring broker shall immediately:

1) endorse the leasing agent's license as provided on that document;

2) submit a photocopy of the endorsed license to the Division within 2 days after termination by regular mail or a signature restricted delivery service

determined appropriate by the sponsoring broker;

3) retain a copy of the endorsed license at least until the expiration date printed on that license; and

4) give the original endorsed license indicating the termination to the licensee.

b) Once a license is endorsed, the leasing agent licensee is prohibited from practicing until the licensee is again issued a properly completed sponsor card.

Section 1450.240 Leasing Agent 120 Day Permit

a) Pursuant to Section 5-5(d) of the Act, a person engaging in practice under the provisions of this Section may first obtain a 120 day leasing agent permit. A permit holder shall comply with all provisions of the Act and this Subpart as if the permit holder were a licensee, and shall be subject to standards of practice and disciplinary provisions as if the permit holder were a licensee. A broker supervising a permit holder shall be responsible for the activities and actions of a permit holder as if the permit holder were a leasing agent licensee. A student leasing agent may only be sponsored by one sponsoring broker during the 120 day period.

b) Within 24 hours after employing a permit holder, a broker shall submit the following information to the Division on forms provided by the Division:

1) the name, address and other information requested by the Division to identify the permit holder;

2) certification by the permit holder that the applicant has not been a leasing agent licensee within the past 2 years and that the applicant has not been a permit holder within the past 2 years;

3) certification that the permit holder is at least 18 years of age;

4) certification that the permit holder has successfully completed a 4 year course of study in a high school or secondary school or an equivalent course of study approved by the Illinois State Board of Education (e.g., GED); and

5) certification that the permit holder is at the time of application, or will be within a period of 90 days, enrolled in a leasing agent course of instruction approved by the Division.

c) Upon expiration of the 120 day leasing agent permit period, the permit holder shall immediately cease engaging in leasing agent activities unless the person has been issued a leasing agent sponsor card or a leasing agent license.

d) A person shall not practice under a 120 day leasing agent permit more than once in any 24 month period. A person who has been a leasing agent licensee within the past 24 month period shall not practice as a 120 day permit holder.

Section 1450.250 Leasing Agent Continuing Education Requirements

a) Each leasing agent licensee shall complete during the pre-renewal period prior to that renewal a minimum of 6 hours of continuing education (CE) that is relevant to leasing residential real property and is approved by the Advisory Council. Approved courses shall, at a minimum, cover recent changes in the Act and other laws affecting the leasing of residential real estate and material regarding fair housing laws relating to the leasing of residential real property.

b) A renewal applicant is not required to comply with these requirements for the first renewal following the original issuance of the applicant's leasing agent license.

c) Continuing education schools, instructors and courses must be approved by the Division as provided in Section 1450.1130, 1450.1145 and 1450.1155.

d) Licensee compliance with CE requirements shall be certified pursuant to the following provisions:

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements of this Section.

2) The Division may, in the context of compliance audits, require additional evidence demonstrating compliance with the CE requirements (e.g., a certificate of attendance). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) In the context of a compliance audit, the Division shall accept verification (e.g., original transcript, certificate of attendance) submitted directly from a school on behalf of a renewal applicant as proof of CE compliance.

4) When there appears to be a lack of compliance with CE requirements, a licensee shall be subject to discipline pursuant to this Part and the Act.

e) The Division shall conduct audits to verify compliance with this Section. When, during an audit or compliance review, the Division determines that a licensee may be deficient in complying with CE requirements, the Division will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is mailed to submit to the Division evidence of compliance with CE requirements.

1) If satisfactory evidence of compliance with CE requirements (as set forth in Section 1450.450(c)(2)) is submitted, the Division shall notify the licensee, by first class mail, that the licensee is in compliance.

2) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to Section 1450.450(c)(1), but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, the Division shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

3) If the licensee fails to submit within the 60 day notice period satisfactory

evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20 of the Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. The Division shall send notice, in accordance with Section 20-60 of the Act, indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.

Section 1450.260 Approved Courses, Schools and Instructors for Leasing Agents

All pre-license education courses, continuing education courses, schools and instructors relating to leasing agent licensure must be approved by the Advisory Council and licensed pursuant to Subpart K.

SUBPART C: LICENSING AND EDUCATION FOR SALESPERSON

Section 1450.300 Salesperson Educational Requirements to Obtain a License

An applicant for a salesperson's license must have successfully completed 45 credit hours of instruction in an approved Real Estate Transaction Course as outlined in Section 1450.1105.

Section 1450.310 Salesperson Examination

a) Each applicant for a salesperson's license shall file an application for examination as determined by the designated testing service. The application shall include:

1) Certification that the applicant is 21 years of age, or 18 if the applicant has attained the education required by Section 5-26 of the Act. Forty-eight semester hours shall meet the minimum requirements of Section 5-26.

2) Certification of graduation from high school or its equivalent (e.g., GED).

3) The required fee as provided in Section 1450.130.

4) Proof of one of the following:

A) Currently admitted to practice law by the Supreme Court of Illinois;

B) Completion of at least 45 class hours of instruction in real estate courses approved by the Advisory Council;

C) Completion of a distance education course approved by the Advisory Council in accordance with Section 1450.1155.

b) If an applicant has failed an examination 4 times, the applicant must repeat the pre-license education in order to be readmitted to sit for the examination.

c) Pursuant to Section 5-35(c) of the Act, the 4 year time period does not apply to high school or its equivalent (e.g., GED) education.

d) The salesperson exam will no longer be administered after March 15, 2011.

Section 1450.320 Applications for Salesperson License by Examination

a) Each applicant for a salesperson's license shall submit to the Division:

1) An application signed by the applicant and on which all questions have been answered;

2) The fee required by Section 1450.130;

3) Proof of successful completion of the examination authorized by the Division;

4) A properly completed sponsor card issued in accordance with Section 1450.110; and

5) Transcript, if applicable.

b) An applicant shall have until April 30, 2011 to file an application with the Division and to meet all of the requirements for licensure.

Section 1450.330 Application for Salesperson License by Reciprocity

a) Prior to May 1, 2011, a salesperson's license by reciprocity may be issued to a real estate salesperson under the following conditions:

1) That the salesperson is the holder of an active license by examination in a state that has a reciprocal agreement with the Division;

2) That the standards of that state for licensing as a salesperson are substantially equivalent to or greater than the minimum standards in Illinois; and

3) The salesperson files an application on forms furnished by the Division, along with the required fee and:

A) a properly completed 45 day sponsor card form;

B) a statement bearing the seal of the licensing authority from each state in which the applicant is licensed, showing:

i) that he or she has an active license as a salesperson in that state;

ii) that the license is in good standing; and

iii) any disciplinary action taken against the salesperson;

C) proof of passing an approved test on Illinois specific real estate brokerage laws; and

D) if the salesperson's sponsoring broker does not maintain a definite office or place of business within the State of Illinois, a written statement that:

i) appoints the Director to act as the salesperson's agent upon whom all judicial and other process may be served;

ii) acknowledges and agrees to abide by all of the provisions of the Act with respect to all of the salesperson's activities within and relating to the State of Illinois; and

iii) assents to jurisdiction of the Division.

b) Any licensee who renews a license granted under a reciprocal agreement thereby

assents to jurisdiction without regard to the location of the licensee's domicile or principal business location or office locations.

c) All requirements for licensure by reciprocity shall be met within one year after the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be reconsidered for licensure, the applicant shall file a new application and fee.

d) Salespersons licensed by reciprocity on or before April 30, 2011 must comply with the transition requirements of Section 5-46 of the Act and this Part.

Section 1450.340 Salesperson Continuing Education

a) Continuing Education Hour Requirements

1) The CE requirement for a salesperson submitting a late renewal for the April 30, 2009 renewal period is 12 hours of CE approved by the Advisory Council.

2) The Division shall conduct random audits to verify compliance with this Section.

b) Approved Continuing Education

1) CE credit may be earned for verified attendance at or participation in a course offered by an approved CE school that meets the requirements set forth in Section 1450.1130.

2) CE credit may also be earned for completion of a distance education course that is offered by an approved CE school that meets the requirements set forth in Section 1450.1155.

3) Pursuant to Section 5-70 of the Act, the CE in a curriculum approved by the Advisory Council requirement shall be satisfied by successful completion of the following:

A) Core Category. A minimum of 6 hours of CE in a curriculum approved by the Advisory Council. Standardized outlines or syllabi for these courses will be provided to CE schools and instructors by

the Division.

B) Elective Category. A maximum of 6 hours of CE in CE courses approved by the Advisory Council.

4) Pursuant to Section 5-70(g) of the Act, CE credit may be earned by an approved instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during a prerenewal period. One hour of teaching is equal to one hour of CE.

5) As provided for in Section 5-75 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a $25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Advisory Council shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent, the Advisory Council shall use the criteria in Sections 5-70 through 5-85 of the Act and this Section.

6) CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by the Division.

7) Except for distance education CE courses, no more than 6 hours of CE may be taken in any calendar day.

8) CE credit shall not be given for pre- and post-licensing education courses except as specifically provided for in Section 5-70(1) of the Act.

c) Certification of Compliance with CE Requirements

1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b).

2) The Division may require additional evidence demonstrating compliance

with the CE requirements (e.g., certificate of completion, transcript, etc.). It is the responsibility of each renewal applicant to provide proof of CE completed.

3) When, during an audit or compliance review, the Division determines that a licensee may be deficient in complying with CE requirements, the Division will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is mailed to submit to the Division evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirements set forth in subsection (c)(2) is submitted, the Division shall notify the licensee by first class mail, that the licensee is in compliance.

B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1), but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, the Division shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20 of the Act

regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. The Division shall send notice pursuant to Section 20-60 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.

SUBPART D: LICENSING AND EDUCATION FOR BROKER

Section 1450.400 Broker Educational Requirements to Obtain a License

a) Prior to May 1, 2011, 120 credit hours of instruction in approved courses are required for broker applicants. Credit shall be given for class hours successfully completed in the following manner:

1) 45 credit hours for a Real Estate Transactions course;

2) 15 credit hours for a Brokerage Administration course;

3) 15 credit hours for Contracts and Conveyances;

4) 15 credit hours of mandatory course work as established by the Education Advisory Council and the Division;

5) Credit for the remaining 30 class hours may be obtained by completing at least 2 of the following courses listed:

A) Appraisal;

B) Property Management;

C) Financing;

D) Sales and Brokerage;

E) Farm Property Management;

F) Real Property Insurance.

b) Prior to May 1, 2011, an applicant for a broker license who is licensed as an

Illinois real estate salesperson is presumed to have completed a 45 credit hour Real Estate Transactions course provided that the license has not been nonrenewed for the preceding 2 years or more. Having received 45 class hours credit as a licensed real estate salesperson, an additional 45 class hours credit cannot be earned by taking a Real Estate Transactions course.

c) After April 30, 2011, an applicant for a broker license must have completed 90 credit hours of instruction as set forth in Section 1450.1105.

d) Subsection (c) does not apply to applicants who hold an active license as a salesperson or broker on April 30, 2011 and who successfully apply for licensure under the transition provisions in Sections 5-46 and 5-47 of the Act.

Section 1450.410 Broker Post-License Educational Requirement

a) Brokers first licensed after April 30, 2011 shall be required to complete a 30-hour post-license course and pass a provider administered exam prior to their first renewal of that license. This course is intended to deal with the practical application of these topics to the practice of real estate brokerage as set forth in Section 1450.1105(f).

b) Those taking the 30 hour post-license broker course during their first renewal cycle shall not be required to complete any other continuing education during that pre-renewal cycle.

Section 1450.420 Broker Examination

a) Each applicant for a broker's license shall file an application for examination as determined by the designated testing service. The application shall include:

1) Certification that the applicant is 21 years of age, or 18 if the applicant has attained the education required by Section 5-27 of the Act. Forty-eight semester hours shall meet the requirements of Section 5-27;

2) Certification of graduation from high school or its equivalent (e.g., GED);

3) The fee required by Section 1450.130;

4) Proof of one of the following:

A) Currently admitted to practice law by the Supreme Court of Illinois; or

B) Completion of at least 120 hours, prior to May 1, 2011 and, after April 30, 2011, 90 hours of instruction in real estate courses approved by the Advisory Council in accordance with Section 1450.1105.

b) An applicant who has failed an examination 4 times must repeat the pre-license education in order to be readmitted to sit for the examination.

c) Pursuant to Section 5-35(c) of the Act, the 4 year time period does not apply to high school or its equivalent (e.g., GED) education.

Section 1450.430 Application for Broker License by Examination

a) Each applicant for a broker's license shall submit to the Division:

1) A signed application on which all questions have been answered;

2) The fee required by Section 1450.130;

3) Proof of successful completion of the examination authorized by the Division;

4) A properly completed sponsor card form issued in accordance with Section 1450.110;

5) Transcript, if applicable; and

6) If the applicant will be a sponsoring broker, a properly completed consent to audit and examine special accounts form.

b) An applicant shall have one year from the date of receipt of a passing score on the examination to file an application with the Division and to meet all of the requirements for licensure.

Section 1450.440 Application for Broker License by Reciprocity

a) A broker's license by reciprocity shall be issued to a real estate broker, which, for the purposes of this subsection (a), shall include a real estate salesperson after April 30, 2011, under the following conditions:

1) That the broker is the holder of an active broker's license, or equivalent by examination in a state that has a reciprocal agreement with the Division;

2) That the standards of that state for licensing as a real estate broker are substantially equivalent to or greater than the minimum standards in Illinois;

3) That the broker maintains a definite place of business in his or her state of licensure and, if the application is made prior to May 1, 2012, that the broker has been actively engaged in the real estate business as a broker in the broker's state of licensure during the immediately preceding 2 years; and

4) That the broker files an application, on forms furnished by the Division, along with the required fee and:

A) a statement bearing the seal of the licensing authority from each state in which he or she is licensed, showing:

i) that he or she has an active license as a broker in that state;

ii) that the license is in good standing; and

iii) any disciplinary action taken against the broker;

B) proof of passing an approved test on Illinois specific real estate brokerage laws;

C) if the broker does not maintain a definite office or place of business within the State of Illinois, a written statement that:

i) appoints the Director to act as the broker's agent upon whom all judicial and other process may be served;

ii) acknowledges and agrees to abide by all of the provisions of the Act with respect to all of the broker's activities within and relating to the State of Illinois; and

iii) assents to jurisdiction of the Division;

D) a properly completed 45 day sponsor card form.

b) Any licensee who renews a license granted under a reciprocal agreement thereby assents to jurisdiction without regard to the location of the licensee's domicile or principal business location or office locations.

c) All requirements for licensure by reciprocity shall be met within one year after the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be reconsidered for licensure, the applicant shall file a new application and fee.

d) Brokers licensed by reciprocity on or before April 30, 2011 must comply with the transition requirements of Section 5-47 of the Act and this Part.

Section 1450.450 Broker Continuing Education

a) Continuing Education Hour Requirements

1) Pursuant to Section 5-70 of the Act, each broker, except as otherwise provided in Section 5-70(b), is required to complete 6 hours of continuing education (CE) for each year of the pre-renewal period in courses approved by the Advisory Council. Licensees who complete CE after the expiration of a license are eligible for approval of CE only upon payment of all fees required by this Part and completion of the necessary forms. In addition to the CE required in this subsection (a)(1), any broker filing a late renewal for the pre-renewal period ending April 30, 2010 must complete a 6 hour broker management continuing education course.

2) A renewal applicant is not required to complete CE requirements for the first renewal following original licensure if the initial license was issued less than 90 days prior to the expiration date.

3) Brokers licensed in Illinois but residing and practicing in other states shall

comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 5-70(b) of the Act.

4) The Division shall conduct random audits to verify compliance with this Section.

b) Approved Continuing Education

1) CE credit may be earned for verified attendance at or participation in a course offered by an approved CE school that meets the requirements set forth in Section 1450.1130.

2) CE credit may also be earned for completion of a distance education course that is offered by an approved CE school that meets the requirements set forth in Section 1450.1155.

3) Pursuant to Section 5-70 of the Act, the CE in a curriculum approved by the Advisory Council shall be satisfied by successful completion of the following:

A) Core Category. A minimum of 6 hours of CE in a curriculum approved by the Advisory Council. Standardized outlines or syllabi for these courses will be provided to CE schools and instructors by the Division.

B) Elective Category. A maximum of 6 hours of CE in CE courses approved by the Advisory Council.

4) Pursuant to Section 5-70(g) of the Act, CE credit may be earned by an approved instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during a pre-renewal period. One hour of teaching is equal to one hour of CE.

5) As provided for in Section 5-75 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application, along with a $25 processing fee, within 90 days after completion of the CE course and prior to expiration of the license. The

Advisory Council shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent, the Advisory Council shall use the criteria in Sections 5-70 through 5-85 of the Act and this Section.

6) CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by the Division.

7) Except for distance education CE courses, no more than 6 hours of CE may be taken in any calendar day.

8) CE credit shall not be given for pre- and post-licensing education courses except as specifically provided for in Section 5-70(1) of the Act.

c) Certification of Compliance with CE Requirements

1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b).

2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion, transcript, etc.). It is the responsibility of each renewal applicant to provide proof of CE completed.

3) When during an audit or compliance review, the Division determines that a licensee may be deficient in complying with CE requirements, the Division will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is mailed to submit to the Division evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirements set forth in subsection (c)(2) is submitted, the Division shall notify the licensee, by first class mail, that the licensee is in compliance.

B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1), but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, the Division shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20 of the Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. The Division shall send notice pursuant to Section 20-60 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.

SUBPART E: LICENSING AND EDUCATION FOR MANAGING BROKER

Section 1450.500 Managing Broker Educational Requirements to Obtain a License

a) After April 30, 2011, an applicant for a managing broker license must have completed 165 credit hours of instruction as set forth in Section 1450.1105.

b) An applicant for a managing broker license that obtained an Illinois real estate broker license prior to May 1, 2011, or obtained an Illinois real estate broker license after April 30, 2011, by transitioning from a salesperson pursuant to

Section 5-46 of the Act, is presumed to have completed the 120 credit hour requirement for a broker license and needs to only complete the 45 credit hour managing broker education as set forth in Section 1450.1105(g).

c) Subsection (a) does not apply to an applicant who holds an active license as a broker on April 30, 2011 and who successfully applies for licensure under the transition provisions in Section 5-47 of the Act.

Section 1450.510 Managing Broker Examination

a) Each applicant for a managing broker's license shall file an application for examination as determined by the designated testing service. The application shall include:

1) Certification that the applicant is 21 years of age;

2) Certification of graduation from high school or its equivalent (e.g., GED);

3) The fee required by Section 1450.130;

4) Proof of one of the following:

A) Currently admitted to practice law by the Supreme Court of Illinois; or

B) Completion of at least 165 hours of instruction in real estate courses approved by the Advisory Council in accordance with Section 1450.1100.

b) An applicant who has failed an examination 4 times must repeat the pre-license education in order to be readmitted to sit for the examination.

c) Pursuant to Section 5-35(c) of the Act, the 4 year time period does not apply to high school or its equivalent (e.g. GED) education.

Section 1450.520 Application for Managing Broker License by Examination

a) Each applicant for a managing broker's license shall submit to the Division:

1) A signed application on which all questions have been answered;

2) The fee required by Section 1450.130;

3) Proof of successful completion of the examination authorized by the Division;

4) A properly completed sponsor card form issued in accordance with Section 1450.110;

5) Transcript, if applicable;

6) If the applicant will be a sponsoring broker, a properly completed consent to audit and examine special accounts form; and

7) A certification that the applicant has been actively licensed for 2 of the last 3 years, and any other appropriate documentation prescribed by the Division.

b) An applicant shall have one year from the date of receipt of a passing score on the examination to file an application with the Division and to meet all of the requirements for licensure.

Section 1450.530 Application for Managing Broker License by Reciprocity

a) Effective May 1, 2011, a managing broker license by reciprocity shall be issued to a person licensed as a managing broker, or its equivalent, under the following conditions:

1) That the broker is the holder of an active managing broker's license, or its equivalent, by examination in a state that has a reciprocal agreement with the Division;

2) That the standards of that state for licensing as a real estate managing broker are substantially equivalent to or greater than the minimum standards in Illinois;

3) That the managing broker maintains a definite place of business in his or her state of licensure and has been actively engaged in the real estate

business as a managing broker, broker or salesperson during the immediately preceding 2 years; and

4) That the managing broker files an application, on forms furnished by the Division, along with the required fee and:

A) a statement bearing the seal of the licensing authority from each state in which he or she is licensed, showing:

i) that he or she has an active license as a managing broker in that state;

ii) that the license is in good standing; and

iii) any disciplinary action taken against the managing broker.

B) proof of passing an approved test on Illinois specific real estate brokerage laws;

C) if the broker does not maintain a definite office or place of business within the State of Illinois, a written statement that:

i) appoints the Director to act as the broker's agent upon whom all judicial and other process may be served;

ii) acknowledges and agrees to abide by all of the provisions of the Act with respect to all of the broker's activities within and relating to the State of Illinois; and

iii) assents to jurisdiction of the Division;

D) a properly completed 45 day sponsor card form.

b) Any licensee who renews a license granted under a reciprocal agreement thereby assents to jurisdiction without regard to the location of the licensee's domicile or principal business location or office locations.

c) All requirements for licensure by reciprocity shall be met within one year after the date of original application or the application shall be denied and the fee forfeited.

Thereafter, to be reconsidered for licensure, the applicant shall file a new application and fee.

Section 1450.540 Managing Broker Continuing Education

a) Continuing Education Hour Requirements

1) Pursuant to Section 5-70 of the Act, each managing broker, except as otherwise provided in Section 5-70(b), is required to complete 6 hours of continuing education (CE) for each year of the prerenewal period in courses approved by the Advisory Council. Licensees who complete CE after the expiration of a license are eligible for approval of CE only upon payment of all fees required by this Part and completion of the necessary forms.

2) In addition to the CE required in subsection (a)(1), all managing brokers renewing must complete a 12 hour broker management CE course. This 12 hour broker management CE course must be completed in the classroom or by other interactive delivery method. In order to promote uniformity and consistency, the Division, with the advice of the Advisory Council, will provide a standardized syllabus or course outline to be utilized by all course providers.

3) A renewal applicant is not required to complete CE requirements for the first renewal following original licensure if the initial license was issued less than 90 days prior to the expiration date.

4) Managing brokers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 5-70(b) of the Act.

5) The Division shall conduct random audits to verify compliance with this Section.

b) Approved Continuing Education

1) CE credit may be earned for verified attendance at or participation in a course offered by an approved CE school that meets the requirements set forth in Section 1450.1130.

2) CE credit may also be earned for completion of a distance education course that is offered by an approved CE school that meets the requirements set forth in Section 1450.1155.

3) Pursuant to Section 5-70 of the Act, CE shall be obtained through courses in a curriculum approved by the Advisory Council and the CE requirement shall be satisfied by successful completion of the following:

A) Core Category. A minimum of 6 hours of CE in a curriculum approved by the Advisory Council. Standardized outlines or syllabi for these courses will be provided to CE schools and instructors by the Division.

B) Elective Category. A maximum of 6 hours of CE in other CE courses approved by the Advisory Council (e.g., real estate tax laws).

4) Pursuant to Section 5-70(g) of the Act, CE credit may be earned by an approved instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during a pre-renewal period. One hour of teaching is equal to one hour of CE.

5) As provided for in Section 5-75 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application, along with a $25 processing fee, within 90 days after completion of the CE course and prior to expiration of the license. The Advisory Council shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent, the Advisory Council shall use the criteria in Sections 5-70 through 5-85 of the Act and this Section.

6) CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by the Division.

7) Except for distance education CE courses, no more than 6 hours of CE may be taken in any calendar day.

8) CE credit shall not be given for pre- and post-licensing education courses except as specifically provided for in Section 5-70(1) of the Act.

c) Certification of Compliance with CE Requirements

1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b).

2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion, transcript, etc.). It is the responsibility of each renewal applicant to provide proof of CE completed.

3) When, during an audit or compliance review, the Division determines that a licensee may be deficient in complying with CE requirements, the Division will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is mailed to submit to the Division evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirements set forth in subsection (c)(2) is submitted, the Division shall notify the licensee, by first class mail, that the licensee is in compliance.

B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1), but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $25 per course credit hour completed after the

date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, the Division shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20 of the Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. The Division shall send notice pursuant to Section 20-60 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.

Section 1450.550 Managing Broker Licensee Transition Provision

a) Prior to May 1, 2011, each managing broker shall have an active license as a broker. The transition period for those licensees who are brokers as of April 30, 2011 shall be the one year period from May 1, 2011 to April 30, 2012. During the transition period, the managing broker can supervise licensees if he or she has a managing broker license or broker license issued prior to May 1, 2011. Any licensee named as a managing broker by the sponsoring broker after April 30, 2012 shall have, or obtain within 90 days after being named as a managing broker, a managing broker license.

b) A salesperson transitioning to a broker is not eligible to transition to a managing broker license.

SUBPART F: CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS AND LIMITED PARTNERSHIPS

Section 1450.600 Corporations, Limited Liability Companies, Partnerships and Limited Partnerships

a) Persons who desire to practice real estate in this State in the form of a corporation, limited liability company, partnership or limited partnership shall, in accordance with Section 5-15 of the Act, file an application with the Division, on forms provided by the Division, together with the following:

1) If an assumed name is to be used, a copy of the assumed name certificate;

2) A Federal Employer Identification Number (FEIN);

3) A properly completed Consent to Examine and Audit Special Accounts form provided in the Division's applicant licensing packet;

4) A properly completed real estate corporation/limited liability company/partnership information form;

5) The fee required by Section 1450.130.

b) All requirements for a license to practice as a corporation, limited liability company or partnership shall be met within one year after the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be considered for licensure, the applicant shall file a new application and fee.

c) Corporations, in addition to the items listed in subsection (a), shall submit the following:

1) The name of the corporation and its registered address, a list of all officers, and the license number for each officer who is licensed as a real estate broker or managing broker;

2) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State is also required;

3) All unlicensed officers shall submit affidavits of non-participation with the corporation application. Licensed salespersons or leasing agents shall not be officers of the corporation even if they submit an affidavit of non-participation; and

4) A list of all shareholders, the number of shares of the corporation owned and the license number for each shareholder who is a licensee.

d) Limited Liability Companies

1) Limited liability companies, in addition to the items listed in subsection (a), shall submit the following:

A) The name of the limited liability company and its registered address, a list of all members, and the license number for each member who has an Illinois real estate license. If a member of the limited liability company is a business entity, the applicant shall identify any licensees who are owners, officers, managers or partners of the business entity;

B) A list of all managers and their broker or managing broker license numbers;

C) A copy of the Articles of Organization filed with the Secretary of State or, if it is a foreign limited liability company, a copy of the application for admission endorsed by the Secretary of State.

2) All unlicensed members shall submit with the limited liability company application affidavits of non-participation. Licensed salespersons or leasing agents shall not be managers of the limited liability company even if they submit an affidavit of non-participation.

e) Partnerships, in addition to the items listed in subsection (a), shall submit the following:

1) An application containing the name of the partnership and its business address and the names of all general partners, and the broker license number of each general partner. Licensed salespersons or leasing agents shall not be general partners.

2) An affidavit stating that the partnership has been legally formed.

f) Limited partnerships, in addition to the items listed in subsection (a), shall submit the following:

1) A letter of authority from the Secretary of State's Limited Partnership Department or, if it is a foreign limited partnership, a copy of the application for admission endorsed by the Secretary of State;

2) A listing of all general partners and, if any general partner is a real estate licensee, the broker or managing broker license number for each licensed general partner;

3) All unlicensed general partners must submit with the partnership application affidavits of non-participation; and

4) If the general partner is an entity, the identity and license number of any brokerage licensees who are owners, managers, members or partners of the entity.

g) In assessing the restrictions against a salesperson or leasing agent, or group of salespersons or leasing agents, owning, or directly or indirectly controlling, more than 49% of a corporation, limited liability company, partnership or limited partnership, pursuant to Section 5-15(e) of the Act, the following may be considered:

1) Corporations: the Division may consider the role of any salespersons or leasing agents in any limited liability company partnership or limited partnership that may have an interest in the corporation.

2) Limited Liability Companies: the Division may consider the role of any salespersons or leasing agents in any corporation or partnership that may serve as a member or manager of the limited liability company.

3) Partnerships: the Division may consider the role of any salespersons or leasing agents in any corporation or limited liability company that may serve as a limited partner. Additional information may be requested by the Division as necessary to determine compliance with this restriction.

h) Upon receipt of the required documents and review of the application, the Division shall issue a license authorizing the corporation, limited liability

company, partnership or limited partnership to engage in the practice of real estate, or shall notify the applicant of the reason for the denial of the license.

Section 1450.610 Branch Offices

a) A sponsoring broker wanting to operate a real estate branch office shall, in accordance with Section 5-45 of the Act, file an application with the Division, on forms provided by the Division, together with the following:

1) A properly completed Consent to Examine and Audit Special Accounts form;

2) The name and license number of the managing broker of the branch office; and

3) All required fees under Section 1450.130.

b) Upon receipt of the required documents and review of the application, the Division shall issue a license authorizing the sponsoring broker to engage in real estate activities at that branch office or shall notify the applicant of the reason for the denial of the license.

c) The name of the branch office shall be the same as that of the main office, or shall clearly delineate the branch office's relationship with the main office (e.g., affiliated with, associated with, subsidiary of).

d) The sponsoring broker shall not open a branch office or have licensees working from a branch office until after the branch office license number has been issued.

SUBPART G: COMPENSATION AND BUSINESS PRACTICES

Section 1450.700 Managing Broker Responsibilities

a) The sponsoring broker shall inform the Division in writing of the name and certificate number of all managing brokers employed by the sponsoring broker and the office or branch offices each managing broker is responsible for managing.

b) The sponsoring broker shall be responsible for issuing sponsor cards. However, the sponsoring broker may delegate that responsibility to one or more managing brokers.

c) Upon written request from the sponsoring broker, within 15 days after the loss of a managing broker who will not be replaced, or upon written request after the death or disability of a sole proprietor, the Division shall issue a written authorization to allow the continuing operation of a licensed office or branch office, provided that the sponsoring broker or representative under a duly executed power of attorney assumes responsibility, in writing, for the operation of the office and agrees to personally supervise the operations. No authorization shall be valid for more than 60 days unless extended by the Division for good cause and upon written request by the sponsoring broker. Good cause includes such circumstances as sales under contract pending closing, loss of livelihood for sponsored licensee, and undue hardship caused to sellers.

d) When a managing broker receives a renewal application from the Division for a licensee supervised by the managing broker or employed by the sponsoring broker of the manager, he or she shall notify the licensee of the receipt, personally within 7 days or by certified or registered mail or other signature restricted delivery service within 10 days. The notice shall also inform the licensee that any unprocessed renewal form will be returned to the Division by the managing broker. When a managing broker receives a renewal application from the Division for a licensee not supervised by the managing broker or employed by the sponsoring broker of the managing broker, the renewal form shall immediately be returned to the Division.

e) All managing brokers shall notify the Division on business letterhead of any change of business address of the offices they manage within 24 hours after any change. Change of address is required for all offices and branch offices. A license returned to the Division for the reason described in this subsection shall remain in good standing until the new licenses are issued and in the possession of the licensee.

f) The Division will honor the order of a court of competent jurisdiction appointing a legal representative for the sole purpose of closing out the affairs of a deceased broker or a broker who has been adjudicated disabled, who was a sole proprietor, until the real estate brokerage is closed, but not to actively engage in the brokerage business as defined in Section 1-10 of the Act.

g) Effective May 1, 2012, those licensees holding a managing broker license and named as a managing broker with the Division shall indicate that status in any marketing or advertising that includes their name. Those licensees holding a managing broker license and not named as a managing broker with the Division shall not represent or hold themselves out as a managing broker, but only as a broker.

h) After April 30, 2012, a licensee doing business as a sole proprietor must have a managing broker license.

Section 1450.705 Supervision

a) A managing broker shall exercise supervision over the activities of licensees and unlicensed assistants working in those offices managed by the managing broker. This supervision of activities includes, but is not limited to:

1) the implementation of and communication to sponsored licensees of office policies and procedures established by the sponsoring broker;

2) training of licensees or unlicensed assistants;

3) supervise and assist licensees in real estate transactions;

4) supervising those special (escrow) accounts over which the sponsoring broker has delegated responsibility to the managing broker in order to ensure compliance with the special (escrow) account provisions of the Act and this Part;

5) supervising all advertising, in any media, of any service for which a license is required;

6) familiarizing sponsored licensees with the requirements of federal and State laws and local ordinances relating to the practice of real estate; and

7) compliance with this Part for licensees and offices under his/her supervision.

b) The sponsoring broker shall establish a written office policy and remain ultimately responsible for compliance with this Part. The sponsoring broker shall name a managing broker for every office.

c) Any violation of the provisions of the Act on the part of any licensees employed by a sponsoring broker or associated by written agreement with the sponsoring broker, or unlicensed employee of a sponsoring broker, shall not be cause for suspension or revocation of the license of the sponsoring broker or a managing broker of the sponsoring broker, unless the sponsoring broker or managing broker had knowledge of the violation of the Act. However, failure to provide an appropriate company policy or failure to properly supervise shall be cause for discipline, including suspension or revocation, of the license of the sponsoring broker or one or more managing brokers.

Section 1450.710 Discrimination

a) No licensee shall enter into a listing agreement that prohibits the sale or rental of real estate to any person because of race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, sexual orientation, unfavorable discharge from the military service, order of protection status or any other class protected by Article 3 of the Illinois Human Rights Act [775 ILCS 5/Art. 3].

b) No licensee shall act or undertake to act as a real estate broker or real estate salesperson with respect to any property the disposition of which is prohibited to any person because of race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, sexual orientation, unfavorable discharge from the military service, order of protection status or any other class protected by Article 3 of the Illinois Human Rights Act.

Section 1450.715 Advertising

a) Deceptive and misleading advertising includes, but is not limited to, the following:

1) advertising a property that is subject to an exclusive listing agreement with a sponsoring broker other than the licensee's own without the permission of and identifying that listing broker;

2) failing to remove advertising of a listed property within a reasonable time, given the nature of the advertising, the licensee's control over the removal or stopping of the advertising, the ease of removing or stopping the advertising, knowledge that the advertising was continuing and any other pertinent criteria after the earlier of the closing of a sale on the listed property or the expiration or termination of the listing agreement;

3) advertising a property at auction as an absolute auction or auction without reserve, when there is a minimum bid or opening bid required;

4) advertising a property in a manner that creates a reasonable likelihood of confusion regarding the permitted use of the property. Examples of such advertising would be advertising a property zoned single family as appropriate for multi-dwelling use by using words or phrases such as "apartment", "two units", or "separate living arrangement", unless that use is permitted by the zoning ordinance, a variance from the zoning ordinance, a conditional permitted use or an existing legal non-conforming use; and

5) use of URL, domain name, metatag, keyword or other device or method intended to deceptively direct, drive or divert internet traffic or mislead consumers.

b) For the purposes of this Section and Section 1450.720 (Internet Advertising), listing information available on a sponsoring broker's or licensee's website, extranet or similar site but behind a firewall or similar device requiring a password, registration or other type of security clearance to access that information shall not be considered advertising.

c) For the purposes of this Section and Section 1450.720, unsolicited marketing of a licensee's real estate brokerage services and farming (prospecting) shall be considered advertising.

d) Nothing in Section 10-30 of the Act shall require a sponsoring broker to include the name of one of its sponsored licensees on signs or other general advertising of the sponsoring broker.

Section 1450.720 Internet Advertising

a) Definitions. For the purposes of this Section, these terms shall be defined as follows:

1) Advertising or Marketing Real Property: An Internet site that consists of information regarding properties that have been listed with a real estate brokerage company, the identity of that real estate brokerage company or licensee for each property and information related to those properties.

2) Advertising or Marketing of Real Estate Brokerage Services: An Internet site that includes an offer or solicitation to provide services related to marketing or identifying real property for sale or lease.

3) Page: Each html document. This can include several screens of information that are viewed by scrolling down to the end of the document.

4) Frame: This refers to that portion of the Web page that does not change when the user links to a different site or moves to different pages.

5) Scraping: This term refers to using or altering existing listing information or keywords that are copied from one Internet site and posted or displayed for the benefit of the general public in front of a firewall at another site without written or electronic authorization and disclosure of ownership.

b) Sponsoring Broker's Advertising or Marketing

1) A sponsoring broker that has authorized advertising or marketing real property must include on the page on which the company's or firm's advertisement or marketing appears the following data:

A) the city or geographic area in which the property being advertised or marketed is located;

B) the company's name as registered with the Division or the assumed name it has registered with the Division (commonly recognized abbreviations are permitted); and

C) if the sponsoring broker does not hold a real estate brokerage license for the jurisdiction where the property is located, the

regulatory jurisdictions in which the sponsoring broker does hold a real estate brokerage license.

2) If this information is contained on the frame on the sponsoring broker's site, it does not have to be included on every page of the site.

c) Sponsoring Broker's Home Page

1) A sponsoring broker advertising or marketing real estate brokerage services must include on the company's home page or on a clearly identified link appearing on that page the following data:

A) the company or firm's name registered with the Division or the assumed name it has registered with the Division (commonly recognized abbreviations are permitted); and

B) the city and state in which the company's principal office is located.

2) If this information is contained on the frame on the sponsoring broker's site, it does not have to be included on every page of the site.

d) Licensee's Advertising or Marketing

1) Any licensee who has authorized advertising or marketing real property must include on the page of the site on which the licensee's advertisement or information appears the following data:

A) the licensee's name;

B) the city or geographic area in which the property being advertised or marketed is located;

C) the name of the company with which the licensee is affiliated as that company name is registered with the Division or the assumed name it has registered with the Division (commonly recognized abbreviations are permitted);

D) if the licensee does not hold a real estate broker or salesperson license for the jurisdiction in which the property is located, the regulatory jurisdictions in which the licensee does hold a real estate broker or salesperson license.

2) If this information is contained on the frame on the licensee's site, it does not have to be included on every page of the site.

e) Licensee's Home Page

1) A licensee advertising or marketing real estate brokerage services must include on his or her home page the following data:

A) the licensee's name;

B) the name of the company with which the licensee is affiliated as that company name is registered with the Division or the assumed name it has registered with the Division (commonly recognized abbreviations are permitted); and

C) the city and state in which the licensee's office is located.

2) If this information is contained on the frame on the licensee's site, it does not have to be included on every page of the site.

f) Sponsoring Broker − E-commerce or Electronic Communications

1) A sponsoring broker using e-commerce or electronic communications, such as e-mail, e-mail discussion groups and bulletin boards for marketing or transactional purposes, must include on the first or last page of all communications the following data:

A) the company or firm's name as registered with the Division or the assumed name it has registered with the Division (commonly recognized abbreviations are permitted); and

B) the city and state in which the sponsoring broker's main office or the office from which the communication originated is located.

2) This subsection (f) shall not apply to communications between a sponsoring broker and a member of the public provided that the member of the public has sent a communication to the licensed company and that the sponsoring broker's initial communication contained the information required in this subsection (f).

g) Licensee − E-commerce or Electronic Communication

1) Any licensee using e-commerce or electronic communications, such as e-mail, e-mail discussion groups, and bulletin boards, for marketing or transactional purposes, must include on the first or last page of all communications the following data:

A) the licensee's name;

B) the name of the company with which the licensee is affiliated as that company name is registered with the Division (commonly recognized abbreviations are permitted); and

C) the city and state in which the licensee's office is located.

2) This subsection (g) shall not apply to communications between a licensee and a member of the public provided that the member of the public has sent a communication to the licensee and that the licensee's initial communication contained the information required in this subsection (g).

h) It will be considered to be a violation of the Act and this Part if a licensee or sponsoring broker scrapes, as defined in this Section, listing information from another site. Listing information obtained from another Internet site and placed behind a firewall or other device that is password protected or requires registration by the consumer in order to access that information need not identify the original listing broker.

i) A sponsoring broker or licensee may link to listing information from another Internet site without approval unless the owner of the site linked to specifically requires consent. Any link must be done in a way that does not mislead or deceive the public as to the ownership of any listing information.

j) All licensees, including sponsoring brokers, shall periodically review the advertising and marketing information on their site and update as necessary to assure that the information is current and not misleading.

Section 1450.725 Office Identification Signs

a) An identification sign on the outside of an office shall be of a size and nature that it will be reasonably readable by the public and semi-permanent or affixed to the office. Listings within building directories fulfill the requirements of this Section.

b) Office identification signs must be professional in appearance and meet all applicable zoning restrictions and applicable restrictive covenants.

c) The identification sign must be plainly visible from an area accessible to the public.

Section 1450.730 Display of Licenses

a) The original licenses of all licensees must be readily available to the public in the principal office of the licensee's sponsoring broker.

b) "Readily available" may include, but is not limited to:

1) being visible on a wall of a public waiting or reception area; or

2) being available for viewing at the sponsoring broker's principal office upon request.

c) Managing brokers assigned to manage more than one office shall have copies of their license readily available in those offices they manage, but that are not the primary office out of which the manager works.

Section 1450.735 Employment Agreements

a) Every sponsoring broker shall have a written employment agreement with every sponsored licensee. Sole proprietors shall not be required to have an employment contract with themselves, but shall have an employment agreement with every sponsored licensee.

b) The employment agreement shall be dated and signed by the parties. The agreement shall include, at a minimum, the employment or independent contractor relationship terms, including, but not limited to, supervision, duties, compensation, duration and termination. The term "duration", as used in this subsection, is not intended to require a specific termination date, but rather to allow the parties to negotiate the term of the agreement, such as "at will" or a specific length of time, and how the agreement is renewed or terminated. These provisions shall be included in the agreement.

c) The sponsoring broker shall give to every employee and independent contractor a copy of the employment agreement and any modifications.

Section 1450.740 Unlicensed Assistants

a) Licensees under the Act may employ, or otherwise utilize the services of, unlicensed assistants to assist them with administrative, clerical or personal activities for which a license under the Act is not required. Compensation for unlicensed personal assistants cannot be transaction based.

b) An unlicensed assistant, on behalf of and under the direction of a licensee, may engage in the following administrative, clerical or personal activities without being in violation of the licensing requirements of the Act. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may:

1) answer the telephone, take messages and forward calls to a licensee;

2) submit listings and changes to a multiple listing service;

3) follow up on a transaction after a contract has been signed;

4) assemble documents for a closing;

5) secure public information from a courthouse, sewer district, water district or other repository of public information;

6) have keys made for a company listing;

7) draft advertising copy and promotional materials for approval by a licensee;

8) place advertising;

9) record and deposit earnest money, security deposits and rents;

10) complete contract forms with business and factual information at the direction of and with approval by a licensee;

11) monitor licenses and personnel files;

12) compute commission checks and perform bookkeeping activities;

13) place signs on property;

14) order items of routine repair as directed by a licensee;

15) prepare and distribute flyers and promotional information under the direction of and with approval by a licensee;

16) act as a courier to deliver documents, pick up keys, etc.;

17) place routine telephone calls on late rent payments;

18) schedule appointments for the licensee (this does not include making phone calls, telemarketing or performing other activities to solicit business on behalf of the licensee);

19) respond to questions by quoting directly from published information;

20) sit at a property for a broker tour that is not open to the public;

21) gather feedback on showings;

22) perform maintenance, engineering, operations or other building trades work and answer questions about that work;

23) provide security;

24) provide concierge services and other similar amenities to existing tenants;

25) manage or supervise maintenance, engineering, operations, building trades and security; and

26) perform other administrative, clerical and personal activities for which a license under the Act is not required.

c) An unlicensed assistant of a licensee may not perform the following activities for which a license under the Act is required. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may not:

1) host open houses, kiosks, or home show booths or fairs;

2) show property;

3) interpret information on listings, titles, financing, contracts, closings or other information relating to a transaction;

4) explain or interpret a contract, listing, lease agreement or other real estate document with anyone outside the licensee's company;

5) negotiate or agree to any commission, commission split, management fee or referral fee on behalf of a licensee; or

6) perform any other activity for which a license under the Act is required.

d) Any licensee who employs an unlicensed assistant shall be responsible for the actions of the unlicensed assistant taken while under the supervision of, or at the direction of, the licensee.

e) Any licensee who is responsible for the actions of an unlicensed assistant by statute, regulation, contract or office policy and who permits, aids, assists or allows an unlicensed assistant to perform any activity for which a license under the Act is required shall be in violation of the Act.

f) Stenographic, clerical, maintenance, engineering, building trades, security or office personnel not directly engaged in the practice of real estate brokerage as defined in Section 1-10 of the Act are not required to be licensed.

g) A licensee is prohibited from acting as an unlicensed assistant, as provided for in this Section, for any licensee other than his or her sponsoring broker or a licensee sponsored by the sponsoring broker.

Section 1450.745 Corporation for Indirect Payment

a) Every sponsored licensee who forms a corporation pursuant to Section 10-20(e) of the Act, for the purpose of receiving the sponsored licensee's compensation, shall file with the Licensing Section of the Division a copy of the certificate of incorporation issued by the Secretary of State.

b) A corporation formed pursuant to Section 10-20(e) of the Act may only receive compensation earned by the licensee. The corporation may not be licensed under the Act and shall not be used by the licensee to perform real estate activities, sponsor, employ or associate itself with other licensees, hold itself out to the public, or advertise to the public under the corporation's name.

c) A corporation formed pursuant to Section 10-20(e) of the Act may receive compensation earned by the licensee arising out of activities unrelated to the practice of real estate.

Section 1450.750 Special Accounts

a) Escrow Moneys Defined

1) "Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. Escrow moneys include without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased or sold and for which the security deposit is being held.

2) Pursuant to the terms of a written agreement between a licensee and a client, such as a property management agreement, rent moneys paid to a licensee for transmittal to the licensee's client (e.g., the owner) shall not be considered to be "escrow moneys". In addition, other moneys held in a custodial account by a licensee for transmittal to a licensee's client, pursuant to the terms of a written agreement, such as a contract for deed, shall not be subject to these escrow rules.

3) Earnest money constitutes escrow moneys whether in the form of personal checks, cashier's checks, money orders, cash or any other forms of legal tender.

b) Escrow Accounts. Pursuant to Section 20-20(a)(17) of the Act, sponsoring brokers who accept escrow moneys shall maintain and deposit in a special account (hereinafter referred to as an escrow account), separate and apart from personal or other business accounts, all escrow moneys entrusted to them while acting as the real estate brokers, escrow agents or as the temporary custodians of the funds of others.

1) Such escrow account shall be non-interest bearing, unless the character of the deposit is such that payment of interest on the escrow account is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.

2) If an interest bearing account is required, the recipient of the interest shall be specifically indicated, in writing, by the principals of the transaction.

3) A sponsoring broker may maintain more than one escrow account.

4) An escrow account must be maintained by a sponsoring broker who receives escrow moneys entrusted to him or her while acting as a real estate broker, or as escrow agent, or as temporary custodian of the funds of others.

5) Every escrow account, whether interest bearing or non-interest bearing, shall be maintained at a federally insured depository.

6) Commingling Prohibited. Each sponsoring broker shall deposit only escrow moneys received in connection with any real estate transaction in an escrow account. The sponsoring broker shall not deposit personal funds in an escrow account, except he or she may deposit from his or her own personal funds, and keep in any escrow account, an amount sufficient to avoid incurring service charges relating to the escrow account. The sum shall be specifically documented as being for service charges and the sponsoring broker shall have proof available that the amount of his or her own funds in the escrow account does not exceed the minimum amount required by the depository to maintain the account without incurring service charges. Transfer of funds as provided for in subsection (i)(4) of this Section shall not constitute commingling.

c) The sponsoring broker shall provide a receipt to the payor of any cash constituting escrow funds and shall retain a copy of the receipt.

d) Time of Deposit of Escrow Moneys. All escrow moneys accepted by a sponsoring broker shall be placed in the sponsoring broker's escrow account not later than the next business day following the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. If the funds are received on a day prior to a bank holiday or any other day on which the bank or savings and loan association is closed, the funds shall then be deposited on the next business day upon which the depository is open.

e) A sponsoring broker serving as escrow agent shall notify all principals in writing if a principal fails to tender escrow moneys, when a principal's payment as escrow moneys is dishonored by the financial institution on which it was drawn, or when there appears on the face of the governing contract to be a deficiency in the amount on deposit.

f) Maintenance of Escrow Moneys on Deposit in Escrow Account. The sponsoring broker shall keep all escrow moneys on deposit in an escrow account until a transaction is consummated or terminated, except to the extent that such escrow moneys, or any part of the escrow moneys, shall be disbursed according to the provisions set forth in subsection (g).

g) Disbursement of Escrow Moneys. Pursuant to Section 20-20(a)(17) of the Act, the sponsoring broker shall disburse escrow moneys according to the following

requirements; however, a sponsoring broker may not disburse funds until they have been honored by the payor's depository.

1) The sponsoring broker must disburse escrow moneys upon consummation or termination of the transaction. Such disbursement must be according to the terms of the contract and must be made not later than the next business day following the sponsoring broker's receipt of notice of the consummation or termination, or otherwise in accordance with the written direction of all principals to the transaction or their duly authorized agents.

   A) Commissions and/or fees earned by a sponsoring broker in any transaction shall be disbursed by that broker from the funds deposited in an escrow account no earlier than the day the transaction is consummated or terminated and not later than the next business day after the transaction is consummated or terminated, or otherwise in accordance with the written direction of all principals to the transaction or their duly authorized agents.

   B) Authorized disbursements are those that are made on behalf of, and at the written direction of, all principals to the transaction or their duly authorized agents.

   C) A sponsoring broker shall not withhold, for any period of time, an authorized disbursement of escrow moneys due to any claim for a commission or compensation to any licensee.

   D) Transfer of escrow moneys to the closing agent for the transaction may be made up to 2 business days prior to the scheduled closing.

2) Pursuant to Section 20-20(a)(17)(A)(i) of the Act, if prior to the consummation or termination of the transaction, the sponsoring broker receives written direction from all of the principals to the transaction or their duly authorized agents agreeing to a disbursement of the escrow moneys, that broker must disburse the escrow moneys according to the written directions. Such disbursement must be made not later than the next business day following the sponsoring broker's receipt of the last required written direction.

3) The sponsoring broker may release escrow moneys pursuant to Section 20-20(a)(17)(A)(ii) of the Act that allows a sponsoring broker to disburse escrow moneys prior to the consummation or termination of the transaction in accordance with directions providing for the release, payment, or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents. An example of this would be the parties to a transaction signing a contract to purchase that includes language allowing the earnest money to be disbursed by the sponsoring broker if a transaction does not close as provided for in the contract so long as the sponsoring broker:

A) provides written notice to the parties as required by the contract at least 14 days prior to the intended disbursement of the earnest moneys; and indicates how the sponsoring broker intends to disburse the earnest money; and indicates the date by which any written objection from a party to the proposed disbursement must be received by the sponsoring broker.

B) In any such case, the actual terms of the contract concerning the release of the escrow moneys shall be adhered to by the sponsoring broker holding these escrow moneys.

4) Pursuant to Section 20-20(a)(17)(A)(iii) of the Act and notwithstanding any other requirements or responsibilities in this Part, if the sponsoring broker receives an order from a court of competent jurisdiction providing for the disbursement of the escrow moneys, that broker must disburse the escrow moneys according to the terms of the order.

5) For the purposes of this Section, "duly authorized agent" shall mean an attorney-in-fact, an attorney-at-law who represents that he or she is acting on behalf of one of the principals to the transaction, or any other person the licensee can prove was authorized to act on behalf of a principal to the transaction.

h) Disputes Regarding Escrow Moneys

1) In the event of a dispute in writing over the return or forfeiture of any escrow moneys held by the sponsoring broker or if a sponsoring broker has actual knowledge that any party to a transaction contests or disagrees

with an anticipated disbursement of escrow moneys held by that broker, he or she shall continue to hold the deposit in his or her escrow account:

A) until he or she has a written release from all parties or their duly authorized agents consenting to the disposition, in which case the escrow moneys must be disbursed according to the terms of the written direction no later than the next business day after the sponsoring broker's receipt of the last required written release;

B) until a civil action is filed, by either the sponsoring broker or one of the parties, to determine its disposition, at which time payment may be made into court;

C) until the funds are turned over to the State Treasurer or such other appropriate State agency or officer designated pursuant to the Act or the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025], because of inactivity of the account or inability to locate the parties, or inability of the parties to reach a resolution.

2) If an interpleader action is filed by the sponsoring broker, and the broker is authorized by real estate contract to withdraw from the escrow account those amounts as may be necessary to reimburse the sponsoring broker for costs and reasonable attorney's fees associated with that action, excluding costs and attorney's fees associated with that broker's attempt to collect a commission or fee.

i) Escrow Records. Each sponsoring broker who accepts earnest money shall maintain, in his or her office or place of business, a bookkeeping system in accordance with sound accounting principles, and without limiting the foregoing, the system shall consist of at least the following escrow records as further described below:

1) Journal. A journal shall be maintained for each escrow account. The journal shall show the chronological sequence in which funds are received and disbursed by the sponsoring broker.

A) For funds received, the journal shall include the date the funds were received, the name of the person on whose behalf the funds

are delivered to that broker and the amount of the funds so delivered.

B) For fund disbursement, the journal shall include the date, the payee, the check number and the amount disbursed.

C) A running balance shall be shown after each entry (receipt or disbursement).

2) Ledger. A ledger shall be maintained for each transaction. The ledger shall show the receipt and the disbursement of funds affecting a single particular transaction such as between buyer and seller, or landlord and tenant, or the respective parties to any other relationship. The ledger shall include the names of all parties to a transaction, the amount of funds received by the sponsoring broker and the date of receipt. The ledger shall show, in connection with the disbursements of funds, the date of disbursement, the payee, the check number and the amount disbursed. The ledger shall segregate one transaction from another transaction. There shall be a separate ledger or separate section of each ledger, as the broker shall elect, for each of the various kinds of real estate transactions (e.g., lease). If the ledger is computer generated from the same data entry from which the journal is generated, the sponsoring broker must maintain copies of the bank deposit slips, bank disbursement slips, or other bank receipts, to account for the data on the ledger.

3) Monthly Reconciliation Statement. Each sponsoring broker shall reconcile, within 10 days after receipt of the monthly bank statement, each escrow account maintained by the broker except when there has been no transactional activity during the previous month. Reconciliation shall include a written work sheet comparing the balances as shown on the bank or savings and loan association statement, the journal and the ledger, respectively, in order to insure agreement between the escrow account and the journal and the ledger entries with respect to the escrow account. Each reconciliation shall be kept for at least 5 years from the last day of the month covered by the reconciliation.

4) If escrow moneys are transferred from an escrow account to another account for disbursement, the sponsoring broker must maintain a copy of all records reflecting a disbursement from the other account.

5) Master Escrow Account Log. Each sponsoring broker shall maintain a Master Escrow Account Log identifying all escrow bank account numbers, and the name and address of the bank where the escrow accounts are located. The Master Escrow Account Log must specifically include all bank account numbers opened for individual transactions, even if account numbers fall under another umbrella account number.

6) A sponsoring broker may employ a more sophisticated bookkeeping system based on sound accounting principles, including a system of electronic data processing equipment. However, any such system must contain or produce printed records containing the information required by this Section, although it need not be in the same format as provided for in this Section.

7) The Division shall have available for distribution, on request, samples of an approved journal, ledger, monthly reconciliation statement and Master Escrow Account Log.

8) Pursuant to Section 20-20(a)(18) of the Act, the sponsoring broker shall make available to the real estate enforcement personnel of the Division all escrow records and related documents maintained in connection with the practice of real estate and located in the office pursuant to Section 1450.750(i)(10) within 24 hours after a request.

9) Copies of all Escrow Money Instruments. Except as otherwise provided by law, the broker shall retain copies of all escrow money instruments received from a principal as part of a transaction, including copies of all personal checks, cashier's checks, certified checks, money orders, promissory notes or other financial instruments. The broker shall also retain copies and/or documentation of all disbursements or transfers into or out of an escrow account.

10) Escrow records shall be retained for 5 years. The escrow records for the immediate prior 2 years shall be available in the office location and shall be produced within 24 hours after request pursuant to Section 1450.750(i)(8). The balance of the records can be available at another location and are subject to request by the Division pursuant to Section 20-

20 (a)(19) of the Act as soon as available, but no later than within 30 days after the request per Section 1450.755(a)(2) .

11) If escrow records are lost, stolen or destroyed due to fire, flood or any other circumstances, the broker must report the loss to the Division's enforcement division within 30 days by signature restricted delivery. The broker must also immediately obtain copies of monthly bank statements, deposit and disbursement receipts, and any other available records, to reconstruct the loss of escrow records.

12) A sponsoring broker may delegate the bookkeeping duties under this Part to another person, including a managing broker, a bookkeeper, certified public accountant, unlicensed assistant, licensed assistant or sponsored licensee. However, compliance with the bookkeeping duties remains the responsibility of the sponsoring broker. The sponsoring broker is ultimately responsible for the proper administration of the escrow account pursuant to this Part.

j) Sponsored Licensees. Sponsoring brokers shall institute office policies to ensure that the sponsored licensees tender escrow moneys received in compliance with this Part. Sponsored licensees, whether salespersons, brokers or leasing agents, may not maintain their own escrow accounts.

k) Branch Offices. Branch offices may maintain escrow accounts in compliance with this Part or may transmit all escrow moneys received to the main office, but not to another branch office, for compliance with this Part.

1) If the branch office does maintain escrow accounts, all of the requirements of this Part apply, including maintaining all required escrow records, and submitting to the Division all required escrow forms.

2) If the branch office does not maintain escrow accounts but instead transmits all escrow moneys received to the main office, all escrow moneys must be transmitted by the branch office to the main office not later than the next business day following the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Even if the branch office transmits all escrow moneys received to the main office, the branch office must maintain records showing the date the escrow moneys were

transferred to the main office. The funds received at the main office from a branch office shall be placed in the sponsoring broker's escrow account not later than the next business day following receipt of the funds from the branch office.

l) Escrow Requirements for Property Management Activities. Security deposits shall be maintained in an escrow account for the duration of the lease, unless the tenant waives this requirement in writing. The waiver, if included in the lease, shall appear in bold print.

m) Notification to the Division of Identity of Escrow Accounts. Consent to Audit All Accounts.

1) Each sponsoring broker shall, at the time of the original application for licensure and at the time of renewal of licensure, on forms provided by the Division, file with the Division the name of the banks, savings and loan associations or other recognized depositories in which each escrow account is maintained, and the name of each account, and the names of the persons authorized to withdraw funds from such accounts, and shall, as a condition of licensure, consent on those forms to the examination and audit of all escrow accounts, notwithstanding whether the account is identified on the form, by the Division.

2) A new form shall be executed by the sponsoring broker and filed with the Division within 10 days after the time of a change of depository, method of doing business or persons authorized to make withdrawal. A new form shall also be executed each time a new escrow account is opened. However, a new form shall not be required each time a new escrow account is opened for an individual transaction and when the account falls under an umbrella account that has already been identified in a prior form. The identity of each of these individual escrow accounts, however, must be included in the Master Escrow Account Log pursuant to subsection (i)(5).

n) Violations. Any licensee who violates any of the provisions of this Part may be deemed to have endangered the public interest pursuant to Section 20(a)(21) of the Act and may be subject to a temporary suspension pursuant to Section 20-65 of the Act.

Section 1450.755 Recordkeeping

a) A sponsoring broker shall keep, or cause to be kept, escrow records, transaction records, employment agreements and records reflecting the payment of compensation, as further described in this Section.

1) Escrow Records for Each Interest Bearing and Non-interest Bearing Escrow Account or Account into which Escrow Funds Have Been Deposited. These records shall include:

A) Journals as defined in Section 1450.750(i)(1).

B) Monthly bank statements.

C) Ledgers as defined in Section 1450.750(i)(2).

D) Monthly reconciliations as defined in Section 1450.750(i)(3).

E) Master Log of Escrow Accounts as defined in Section 1450.750(i)(5).

2) The escrow records required by subsection (a)(1) shall be maintained for 5 years. The broker shall ensure that the escrow records for the immediate prior 2 year period are maintained in the office location and shall be produced within 24 hours after request pursuant to Section 1450.175(i)(8). Any escrow records more than 2 years old and stored at a location other than the office, whether in hard copy or electronically, shall be made available for inspection during normal business hours as soon as available, but no later than within 30 days after the request.

3) Records relating to transactions shall be retained by the sponsoring broker either in hard copy or electronically.

A) These records might include copies of the following:

i) Residential Property Transactions: Signed contracts, including offers and counteroffers, written release of escrow funds, Dual Agency Authorization, notices of designated agency or no agency, written direction for

deposit into interest bearing special account, power of attorney, disclosures (e.g., lead paint, radon, seller disclosure), closing statements and other transaction records required to be retained by the Act.

ii) Property Management/Leasing: Any rental finding agreement, leases, periodic accounting or statement to the owner regarding the receipts and disbursements and any other documents referred to in subsection (a)(3)(A)(i) that are pertinent to the transaction.

iii) Commercial Representation: Tenant or owner representation agreement, letters of intent, leases, any written modifications to an executed lease and any other documents referred to in subsection (a)(3)(A)(i) that are pertinent to the transaction.

B) The documents listed in subsection (a)(3) are not intended to be all inclusive; rather, they are intended to be examples of pertinent documents to be retained. Any similar documents pertinent to a particular transaction shall also be retained. Any information contained on the outside of a transaction file shall be considered part of that file.

C) Transaction records shall be maintained for 5 years. The sponsoring broker shall ensure that any transaction records involving any active or pending transaction or representation, or any transaction in which escrow funds or moneys belonging to others were received and have not yet been disbursed for the immediate prior 2 years shall be maintained in the office location. All transaction records maintained at the office location shall be made available for inspection and audit during normal business hours by the Division staff no later than 24 hours after a request for escrow records and related documents. Any transaction records stored at a location other than the office, whether hard copy or electronic copy, shall be made available for inspection during normal business hours as soon as available within 30 days after the request.

D) Sponsoring brokers may allow their sponsored licensees to maintain a duplicate of the transaction records.

4) Employment agreements, as required by Section 10-20 of the Act, shall be maintained for 5 years after the sponsored licensee is no longer affiliated with the sponsoring broker. The broker shall maintain the written employment agreement for every licensee who is employed by or affiliated with the sponsoring broker. A copy of the employment agreement for each sponsored licensee at a branch office shall be maintained at the respective branch office.

5) Records reflecting the payment of compensation for the performance of licensed activities shall be maintained for 5 years.

b) All records may be kept either in hard copy or electronically. If the records are kept electronically, the sponsoring broker shall ensure that a back up is made at reasonable intervals so as to protect the data but no less frequent than monthly. Backups can be kept either at the sponsoring broker's office or offsite. The escrow journal shall be reduced to hard copy at least monthly and kept at the office of the sponsoring broker for 60 days.

c) Any disclosure required by the Act or this Part can be made in a paper or, if agreed to by both parties, an electronic format and may use electronic signatures. Copies of all disclosures, whether electronic or in paper, must be retained by the sponsoring broker.

Section 1450.760 Disclosure of Compensation

Pursuant to Section 10-10(b) of the Act, a licensee shall disclose, in writing, any compensation the licensee expects to receive or that he or she knows the licensee's sponsoring broker will receive, arising out of a referral to any person or entity whose services are related to the transaction, including any financial institution, insurance broker, mortgage broker, home inspector or any other third party. The disclosure shall indicate the relationship between the licensee or the licensee's sponsoring broker and the referred person or entity, and any interest greater than 1% (see Section 10-10(c) of the Act) that the licensee or the licensee's sponsoring broker may have in the referred person or entity.

Section 1450.765 Disclosure of Licensee Status

A licensee is "selling, leasing or purchasing any interest", directly or indirectly, for purposes of Section 10-27 of the Act, when the licensee:

a) is selling, leasing or seeking to purchase property as sole owner;

b) is selling or seeking to purchase property as a joint tenant or tenant by the entirety;

c) holds a beneficial interest in a land trust selling, leasing or seeking to purchase an interest in the subject property;

d) is a general partner in a partnership selling, leasing or seeking to purchase an interest in the subject property;

e) is an officer, director, majority or controlling shareholder of a corporation selling, leasing or seeking to purchase an interest in the subject property; or

f) is a manager or majority or controlling member of a limited liability company selling, leasing or seeking to purchase an interest in the subject property.

Section 1450.770 Brokerage Agreements and Listing Agreements

a) All exclusive brokerage agreements, including all exclusive listing agreements and exclusive buyer brokerage agreements, shall be in writing and shall indicate the minimum services that must be provided as indicated in Section 15-75 of the Act. Failure to include language in a brokerage agreement providing for minimum services as specified in Section 15-75 of the Act or language in the brokerage agreement waiving those minimum services provided for in Section 15-75 of the Act will, under the definition of "exclusive brokerage agreement" in Section 1-10 of the Act, result in the brokerage being considered to be non-exclusive.

b) All written buyer brokerage agreements, whether exclusive or non-exclusive, shall contain the following:

1) the agreed basis or amount of compensation and time of payment;

2) the duration of the buyer brokerage agreement clearly set forth;

3) the name of the sponsoring broker and the buyer;

4) the signatures of the buyers and an authorized signator on behalf of the buyer or sponsoring broker;

5) the duties of the buyer's broker.

c) All written listing agreements, whether exclusive or non-exclusive, shall contain the following:

1) the list price;

2) the agreed basis or amount of commission and the time of payment of the commission;

3) the duration of the listing agreement, with a definite termination date clearly set forth;

4) the name of the sponsoring broker and seller;

5) the identification of property involved (address or legal description);

6) the signatures of the owners and an authorized signator on behalf of the owner or sponsoring broker;

7) the duties of the listing broker.

d) Pursuant to Section 10-25 of the Act, no licensee shall obtain any written brokerage agreement containing a clause automatically extending the period of the contract. Any written brokerage agreement not containing such a provision for automatic expiration shall be void.

e) Every written brokerage agreement shall expressly provide that no amendment or alteration to the terms, with respect to the amount of commission or with respect to the time of payment of commission, shall be valid or binding unless made in writing and signed by the parties.

f) No licensee shall use real estate contract forms to change previously agreed commission payment terms.

g) If a listing agreement provides that, in the event of a default by a buyer, the broker's full commission or fees will be paid out of an earnest money deposit, with the remainder of the earnest money to be paid to the seller, the provision shall appear in the listing agreement in letters larger than those generally used in the listing agreement.

h) Each brokerage agreement shall clearly state that it is illegal for either the owner or the broker to refuse to display or sell to any person because of one's membership in a protected class, e.g., race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, sexual orientation, unfavorable discharge from the military service, order of protection status or any other class protected by Article 3 of the Illinois Human Rights Act.

i) Each brokerage agreement for a residential property of 4 units or less that provides for a protection period subsequent to its termination date shall also provide that no commission or fee will be due and owing pursuant to the terms of the brokerage agreement if, during the protection period, a valid, written brokerage agreement is entered into with another licensed real estate broker.

j) A broker may discuss a possible future brokerage agreement with a consumer whose property is exclusively listed with another broker or who is subject to a written exclusive buyer brokerage agreement only under the following conditions:

1) when the consumer initiates the contact; or

2) when the current broker, upon request, fails to provide, within 10 calendar days, the type and expiration date of the brokerage agreement between the consumer and the current broker. The request and response shall be in writing and mailed return receipt requested. If the above information is not received within 14 calendar days, the broker may then contact the consumer only if this information cannot be obtained from another source of shared broker information.

Section 1450.775 Written Agreements

a) No licensee shall solicit, accept or execute any contract or other document relating to a real estate transaction that contains any blanks with the intention of filling them in after signing or initialing the contract or other document.

b) No licensee shall make any addition to, deletion from or alteration of any signed contract or other document relating to a real estate transaction without the written, telefax or telegraphic consent or direction from all signatories. No licensee shall process any contract or other document that has been altered after being signed, unless each addition, deletion or alteration is signed or initialed by all signatories at the time of the addition, deletion or alteration.

c) A true copy of the original or corrected contract or other document relating to a real estate transaction shall be delivered or mailed within 24 hours after the time of signing or initialing the original or correction to the person signing or initialing the contract or other document.

d) All forms used by licensees intended to become binding real estate contracts shall clearly state that fact in the heading in large bold type. No licensee shall use a form designated Offer to Purchase when it is intended that the form shall be a binding real estate contract.

Section 1450.780 Referral Fees and Affinity Relationships

a) No licensee may pay a referral fee to an unlicensed person who is not a principal to the transaction. In order to meet the license requirement, the person receiving the referral fee must be duly licensed as a real estate broker or managing broker in Illinois or hold an equivalent license of another state or country of domicile. If the person's equivalent country of domicile does not have a licensing statute for real estate agents, then, in order to receive a referral fee, the person must comply with the laws, if any, of his or her country concerning the practice of real estate brokerage business.

b) Request of Referral Fee

1) No licensee may request a referral fee unless reasonable cause for payment of the referral fee exists. Reasonable cause for payment of a referral fee means that:

A) an actual introduction of a client has been made to a licensee; or

B) a contractual referral fee relationship exists with the licensee.

2) The fact that reasonable cause to demand a referral fee exists does not

necessarily mean that a legal right to the referral fee exists.

3) A licensee is prohibited from interfering with the agency relationship of another licensee or attempting to induce a client to break a listing or an exclusive representation agreement with another licensee for the purpose of replacing that agreement with a new listing or representation agreement in order to obtain a referral fee. For purposes of this Section, an agency relationship shall be deemed to exist when a written, exclusive agency agreement (either a listing or buyer representation agreement) is entered into. Interfering with the agency relationship of another licensee includes, but is not limited to:

A) demanding a referral fee from another licensee without reasonable cause;

B) threatening to take harmful action against the client of another licensee because of their existing agency relationship and in order to obtain a referral fee; or

C) counseling the client of another licensee on how to terminate or amend an existing agency contract in order to obtain a referral fee.

4) Any activities that involve the communication of corporate relocation policies or benefits to a transferring employee, as long as that communication does not involve advice or encouragement on how to terminate or amend an existing agency contract, shall not be considered interference under subsection (b)(3).

Section 1450.785 Rental Finding Services

a) Definition – Application

1) A rental finding service is any business that finds, attempts to find or offers to find, for any person who pays or is obligated to pay a fee or other valuable consideration, a unit of rental real estate or a lessee to occupy a unit of rental real estate not owned or leased by the business.

2) Any person, corporation, limited liability company, partnership or limited partnership that operates a rental finding service shall be considered a

broker or salesperson as defined in the Act, shall obtain a license pursuant to the Act and shall comply with the provisions of this Section.

3) The provisions of this Section shall not apply to those exempted under Section 5-20 of the Act.

b) Contract. A rental finding service shall, prior to accepting a fee or other valuable consideration for the services, enter into a written contract with the person for whom services are to be performed and deliver to the individual a copy of the contract. The contract shall include, in the case of a rental finding service that finds, offers or attempts to find a unit of rental real estate for an individual, at a minimum, the following provisions:

1) The term of the contract;

2) The total amount to be paid for the services to be performed and a clear designation of the amount paid in advance of the performance of the services;

3) A statement regarding the refund or nonrefund of the fee paid in advance that shall include:

A) the precise conditions, if any, upon which a refund is based;

B) the fact that the conditions shall occur within 90 days from the date of the contract;

C) the fact that the refund shall be paid no later than 10 days after demand, provided the check has been honored;

4) The statements required by subsection (b)(3) shall be uniform in type of a size larger than that used for the balance of the contract;

5) The type of rental unit desired, the geographical area requested, and the rent the prospective tenant is willing to pay;

6) A detailed statement of rental finding services to be performed by the licensee, which shall include, at a minimum, the delivery to the prospective tenant of all rental information listed in subsection (c);

7) A statement that the contract shall be null and void if information concerning possible rental units or locations furnished by the licensee is not current or accurate with respect to the type of rental unit desired and described in subsection (b)(5). A listing for a rental unit that has not been available for rent for over 2 days shall be prima facie proof of not being current;

8) A statement that information furnished by the licensee concerning possible rental units may be up to 2 days old;

9) A statement requiring the licensee to refund all fees paid in connection with the contract if the contract is null and void for any reason. The licensee shall not impose any condition for the refund, and the contract shall state when the refund will be paid.

c) Disclosure. Pursuant to subsection (b)(6), the following written information for each rental unit shall be provided to the person with whom the contract is entered:

1) The name, address and the telephone number of the owner of each rental unit or the owner's authorized agent;

2) A description of the rental unit;

3) The amount of rent requested;

4) The amount of security deposit required;

5) A statement describing utilities that are located in the rental unit and included in the rent;

6) The occupancy date and the term of lease;

7) A statement setting forth the source of the rental information (i.e., owner, agent);

8) All other information that may reasonably be expected to be of concern to the prospective tenant.

d) Permission of Owner. A rental finding service shall not list or advertise any rental unit without the express written authority of the owner or agent of each unit.

SUBPART H: AGENCY RELATIONSHIPS

Section 1450.800 Confidentiality

Licensees in receipt of confidential information shall take reasonable steps to safeguard that information from unauthorized disclosure.

Section 1450.810 Failure to Disclose Information Not Affecting Physical Condition

This Section is intended to apply to actions taken by the Division under the Act as well as to all civil actions in Illinois. No cause of action shall arise against a licensee for the failure to disclose:

a) that an occupant of that property was afflicted with Human Immunodeficiency Virus (HIV) or any other medical condition;

b) that the property was the site of an act or occurrence that had no effect on the physical condition of the property or its environment or the structures located on that property (Section 15-20 of the Act). These acts shall include, but are not limited to, murder or suicide;

c) fact situations on property that is not the subject of the transaction; or

d) physical conditions located on property that is not the subject of the transaction that do not have a substantial adverse effect on the value of the real estate that is the subject of the transaction.

Section 1450.820 Licensee Serving as a Dual Agent in a Transaction in Which a Licensee is a Party to the Transaction

A licensee shall not serve as a dual agent in any transaction to which he or she, or an entity in which he or she has an ownership interest, is a party to the transaction.

Section 1450.830 Disclosure of Contemporaneous Offers

"Contemporaneous offers" under Section 15-15(b) of the Act shall be offers to purchase or lease on behalf of 2 or more clients represented by the same designated agent for the same real estate parcel or unit that the designated agent knows or has known or has reason to know will be taken under consideration by the owners or owners' representative at the same time. If there are contemporaneous offers from 2 or more clients of a designated agent the written disclosure shall be provided to the clients of the designated agent and referrals made to other designated agents, if requested by the client.

SUBPART I: DISCIPLINE RULES AND PROCEDURES

Section 1450.900 Unprofessional Conduct

Conduct that constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public includes, but is not limited to:

a) Failure to act in the best interests of a client.

b) Deliberately misleading a client as to the market value of the property.

c) Failing to advertise the property as obligated by the listing agreement.

d) Deliberately misrepresenting to prospective purchasers or their agents the condition of the property or the availability of access to show the property.

e) Purchasing or transferring of the property through an intermediary in order to conceal the purchase by the licensee.

f) Inducing a seller to list the property through false representations.

g) Inducing a seller through false representations or false promises to transfer the property to the licensee.

h) Taking unfair advantage of a client's or customer's age, disability or lack of understanding of the English language.

i) Engaging in conduct with the public or other real estate licensees in the practice of real estate in a manner that is abusive, harassing or lewd.

j) Representing oneself as a sponsoring broker or managing broker without

providing the actual supervision and management of the real estate business.

k) Failing to reasonably safeguard confidential information or improperly using confidential information.

l) Obstructing an inspection, audit, investigation, examination or disciplinary proceeding.

m) Violation of Section 1450.750, Special Accounts.

n) Assisting or inducing a licensee to violate the Act or this Part.

o) Any conduct that constitutes a breach of duty to the client and causes harm to the client in the future. In establishing harm, the Department need not prove actual economic damage to the client.

Section 1450.905 Temporary Suspension

The Secretary may temporarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 20-60 of the Act, if the Secretary finds that the evidence indicates that the public interest, safety, or welfare imperatively requires emergency action. Emergency action is imperatively required when a licensee's conduct poses a threat that the public's or another licensee's money will be stolen or defalcated or that the continued licensure of a licensee will be a threat to the safety of the public or another licensee.

a) The Division may consider any one or more of the acts committed by a licensee including, but not limited to:

1) Failure to account for or to remit any moneys or documents that belong to others, as set forth in Section 20-20(a)(16) of the Act;

2) Failure to maintain and deposit in a special or escrow account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a licensee while acting as a real estate broker, escrow agent or temporary custodian of the funds of others, as set forth in Section 20-20(a)(17) of the Act;

3) Failure to make available to real estate enforcement personnel of the

Division during normal business hours all escrow records and related documents for the immediate prior 2 years and located in the office and maintained in connection with the practice of real estate, within 24 hours after a request for those documents by Division personnel, as set forth in Section 20-20(a)(18) of the Act and Section 1450.755 of this Part; however, this action in and of itself shall not be sufficient grounds for a temporary suspension;

4) Failure to make available to real estate enforcement personnel of the Division during normal business hours all escrow records more than 2 years old and stored in a location other than the office, whether in hard copy or electronically, as soon as available, but no later than within 30 days after the request; and

5) Commingling money or property of others with the licensee's own, as set forth in Section 20-20(a)(22) of the Act.

b) A petition for temporary suspension shall:

1) State the statutory basis for the action petitioned;

2) Allege facts, supported by evidence or affidavit sufficient for temporary suspension; and

3) Be presented to the Director either in person or by telephone and in the presence of a court reporter.

c) An order for temporary suspension shall:

1) Contain sufficient notice regarding the basis for the action;

2) Recite the statutory basis for the action;

3) Demand immediate surrender of the license; and

4) Be signed by the Director.

d) A notice of temporary suspension shall accompany the order and shall:

1) Set a hearing date within 30 days after the date on which the order takes effect;

2) Identify the location where the hearing will take place; and

3) Provide information as to where the licensee may obtain the Division's rules for Practice in Administrative Hearings.

Section 1450.910 Otherwise Discipline

Non-disciplinary action may include, but is not limited to:

a) Restricting a licensee's access to escrow funds;

b) Requiring the successful completion of any approved real estate course, including courses for those licensees who would otherwise not be required to complete continuing education pursuant to Section 5-70 of the Act;

c) Requiring the licensee to provide any report, record or document regarding real estate activity the Division deems relevant and appropriate;

d) Imposition of an administrative fee; or

e) Require a mental or physical exam pursuant to Section 20-20 of the Act.

Section 1450.915 Dissolution: Effect of Suspension or Revocation of Sponsoring Brokers or Managing Brokers

a) Suspension or Revocation of Sponsoring Broker
Upon the effective date of a temporary or other suspension or revocation of the license of a sponsoring broker corporation, limited liability company, partnership or sole proprietorship and their respective principal or sponsoring broker, unless an interim sponsoring broker or receiver is appointed by the real estate brokerage company or its representative, and subject to approval by the Division:

1) The licenses of all respective sponsored licensees are automatically inoperative. Each broker may resume the practice of real estate only upon securing a properly completed 45 day sponsor card, signed either as a self sponsored broker or by another sponsoring broker. Each salesperson or

leasing agent may resume the practice of real estate only upon securing a properly completed 45 day sponsor card signed by an active sponsoring broker.

2) All brokerage agreements with the sponsoring broker, including listing agreements, are deemed expired pursuant to Section 10-25 of the Act, unless a new sponsoring broker is named within 7 business days. Unless a new sponsoring broker is named within 7 days, the suspended or revoked sponsoring broker shall notify, in writing, all clients with whom the sponsoring broker has an active brokerage agreement, and advise that the brokerage agreement expired as of the date that is 7 business days after the suspension or revocation, and that the clients are legally authorized to enter into another brokerage agreement with any active broker.

3) Suspensions or revocations of a sponsoring broker shall not have an effect on the enforceability of any pending, executed real estate contracts.

A) The suspended or revoked sponsoring broker shall send a written notice to all clients with a pending, executed real estate contract explaining the suspensions or revocations, and that the suspensions or revocations shall not have an effect on the enforceability of the pending, executed real estate contracts. The notice shall also identify the name, address and telephone number of the person in control of the escrow money. To the extent that the clients require additional real estate services, the notice shall provide that the clients may seek those services from another active broker.

B) A suspension or revocation shall not preclude the receipt of any commission or other compensation earned by the suspended or revoked sponsoring broker or other formerly sponsored licensee prior to the effective date of a suspension or revocation of the sponsoring broker.

4) A broker shall not be entitled to compensation if the suspension or revocation directly relates to the transaction for which the compensation was earned. If the broker has already received compensation related to the transaction leading to the suspension or revocation of the license, the Department or Board may consider that fact in issuing the discipline and/or fine.

b) Suspension or Revocation of Managing Broker
In the event of a suspension or revocation of a managing broker, the offices and branch offices managed by that managing broker may resume the practice of real estate upon securing a replacement managing broker. Consistent with Section 5-45(e) of the Act, if a replacement managing broker is unable to be secured immediately after a suspension or revocation of the managing broker, the entity may continue to practice real estate for the first 15 days after the suspension or revocation. If, after 15 days, a replacement managing broker has not been secured, the office may only continue to practice real estate upon securing the written authorization of the Department as provided for in Section 5-45(e) of the Act.

c) In the event of the voluntary retirement or the voluntary dissolution of a sponsoring broker, the sponsoring broker shall, at a reasonable time prior to the voluntary retirement or voluntary dissolution, provide written notice to all sponsored licensees to allow the sponsored licensees to secure new sponsoring brokers, and shall provide written notice to all active clients to allow the clients to secure brokerage agreements with new brokers.

Section 1450.920 Inspections and Audits

a) Inspections

1) The Division is authorized to inspect those areas of a sponsoring broker's office open and generally available to the public at any time during normal business hours, with or without the sponsoring broker's consent. With the sponsoring or responsible managing broker's consent or, if no consent is given, then upon 24 hours notice, the Division may conduct a visual and physical inspection of the non-public areas of a sponsoring broker's office and interview any person, including any licensee or non-licensee, who may have knowledge or information about the licensee's practice of real estate. The licensee may have an attorney present if he or she so chooses. The Division's action will not be postponed due to an unreasonable delay in the ability of the licensee's attorney to be present.

2) Except as provided in subsection (b), upon any written or oral request by Division personnel for written documentation, a licensee shall produce the requested documentation within 30 days after the request.

b) Escrow Audits
The Division is authorized to audit special accounts, escrow records and documents related to any escrow accounts maintained by the licensee. Escrow audits may be conducted at any time with the sponsoring broker's consent or without consent with at least 24 hours notice. The licensee may have an attorney present if he or she so chooses. The Division's action will not be postponed due to an unreasonable delay in the ability of the licensee's attorney to be present. Escrow audits may include:

1) A review and examination of all required, original escrow records as set forth in this Part.

2) A review and examination of any document, including originals, related to a licensee's escrow accounts.

3) Interviews of any person, including any licensee or non-licensee, who may have knowledge or information about the licensee's practices for maintaining and administering his or her escrow accounts.

c) Pursuant to Section 20-20(a)(18) and (27) of the Act, the Division is authorized to obtain a licensee's original records, which would include hard copy or electronic records, for the purposes of inspection, audit and reproduction. The Division shall promptly return all original documents or records to the licensee.

Section 1450.925 Audits of Special Funds by Outside Auditors

a) General Rule. The Division may cause audits of special accounts of sponsoring brokers to be conducted by licensed certified public accountants under the circumstances and as provided for in this Section.

b) Basis for Audit. Upon receipt of a complaint from one or more members of the public, information from another regulatory or law enforcement agency, or evidence developed by the Division, any of which causes the Division to reasonably believe that escrow moneys required to be kept in a special account have been misappropriated, the Division may contract with a licensed certified public accountant for the purpose of auditing the special accounts of the sponsoring broker responsible for the accounts in question.

c) Definitions. The following terms shall have the meanings set forth in this Section:

1) Reasonable Belief. The complaints, information or evidence available to the Division are of a nature or have sufficient credibility that a prudent person in the exercise of good judgment would reasonably rely or act upon that information or evidence.

2) Misappropriated or Misappropriation. The use of escrow moneys for a purpose other than that for which the escrow moneys were deposited or that is permitted by the Real Estate License Act of 2000, this Part or the agreements providing for the handling of the escrow moneys. The mere failure to follow the provisions of Section 1450.750 dealing with the deposit and accounting for escrow moneys shall not constitute misappropriation.

3) Escrow Moneys. Shall have the same definition as set forth in Section 1-10 of the Act.

d) Notice of Audit. The Division shall notify in writing the sponsoring broker responsible for the special accounts to be audited that an auditor has been retained to audit those special accounts, the identity of the auditor or auditing firm and the fact that the sponsoring broker shall submit all pertinent records for audit within 30 days after receipt of the written notice.

e) Procedures for Audit. The auditor or the Division shall contact the sponsoring broker responsible for the special accounts for the purpose of scheduling the audit of the special accounts. The sponsoring broker shall provide the records requested at the scheduled time and location or as otherwise agreed by the sponsoring broker and the auditor or the Division.

f) Written Report. Any licensed certified public accountant performing an audit for the Division under the provisions of this Section and the Act shall provide a written report to the Division, with a copy to the sponsoring broker, detailing the findings of the auditor with specific reference to compliance with the special account requirements of the Act and this Part.

g) Noncompliance and Cost of Audit. The sponsoring broker shall be liable for the cost of the audit if an order is issued by the Director, pursuant to Section 20-60 of

the Act, finding that escrow moneys were misappropriated by the sponsoring broker or his, her, or its employees, independent contractors, agents or designees.

Section 1450.930 Case File Review Committee

a) The Department and the Board may appoint a Case File Review Committee that shall be composed of at least 2 voting members of the Real Estate Administration and Disciplinary Board, the Real Estate Coordinator, the Real Estate Chief of Investigations and the Real Estate Chief of Prosecutions or their designees. The Case File Review Committee members may take the action as set forth in this Section without meeting in person, but through other means of communication.

b) The Case File Review Committee may exercise the following duties and responsibilities:

1) Recommend whether a case file be closed or refer the case file to Investigations or Prosecutions for further review and action.

2) Recommend that cases of similar types of allegations be offered a standard disposition within a range recommended by the Board. A recommendation of an offer of standard disposition shall not restrict the Board from hearing an individual case at a hearing and issuing a recommendation based upon the individual facts and evidence in rebuttal, mitigation or aggravation in the individual matter nor shall a prior recommendation of standard disposition restrict the Case File Review Committee from recommending a different disposition in individual cases;

3) Review reports and files submitted to the Case File Review Committee;

4) Request and review any investigation or prosecution files that the Department may have closed;

5) Meet, concurrently or independently on an as needed basis and at the discretion of the Department, with members of the regulatory staff or Board members of related professions, including but not limited to Auctioneers or Land Sales, Time Share, Appraisal or Mortgage Brokers, to discuss interrelated professional matters as needed.

c) The Division shall prepare a monthly report to be presented to the Case File Review Committee indicating the following information:

1) Number of investigation files closed;

2) Number of prosecution files closed;

3) Number of pending files in the Division's Investigation Unit;

4) Number of pending files in the Division's Prosecution Unit;

5) Number of reports and copies of any reports received from any peer review advisors used by the Division during the preceding month.

d) The Case File Review Committee shall report a summary of its actions and findings at each Real Estate Administration and Disciplinary Board meeting.

e) The Case File Review Committee in determining what action to recommend or take or whether to recommend that the Division proceed with a formal complaint, investigation and/or prosecution of a case file, shall consider factors including, but not limited to:

1) the effect on the public's health, safety and welfare;

2) any indication of fraud;

3) commingling or embezzlement;

4) evidence of escrow account shortages or discrepancies;

5) refusal to provide escrow account records or related documents within the required time period; or

6) prosecutorial merit.

f) Disqualification of a Case File Review Committee member:

1) A Case File Review Committee Board member shall be recused from consideration of a case file when a conflict of interest or prejudice would prevent that Committee Board member from being fair and impartial.

2) Participation in the initial stages of the handling of a case file, including participation on the Case File Review Committee and in informal conferences, shall not bar a Case File Review Committee Board member from later participating in decision making relating to that case file as a formal complaint or prosecution.

g) Any meetings of the Case File Review Committee are an exception to the Open Meetings Act and shall be closed to the public, in accordance with 5 ILCS 120/2(c)(15).

h) Nothing is this Section shall require the Department to utilize the services of the Case File Review Committee to close any file; however, the Department shall be required, as set forth in this Section, to advise the Case File Review Committee of such actions that are taken by the Department.

Section 1450.935 Peer Review Advisor

a) In accordance with Section 25-21 of the Act, the Department may, in its discretion, contract with a licensee to act as an advisor to the Department regarding public complaints and alleged violations forwarded by the Department to the Peer Review Advisor.

b) The Department shall not be bound by any recommendation or advice provided by a Peer Review Advisor.

c) The Peer Review Advisor shall only be referred matters by the Department that involve the actions of an unlicensed person or a licensee at the same or lower level of licensure held by the Peer Review Advisor.

d) The Peer Review Advisor shall issue any recommendation or findings to the Department in writing unless expressly waived by the Department.

Section 1450.940 Hearings

All disciplinary hearings brought before the Board under Article 20 of the Act shall be conducted

in accordance with the Rules of Practice in Administrative Hearings in 68 Ill. Adm. Code 1110.

Section 1450.945 Real Estate Recovery Fund

a) Necessity of Notice
When any person commences, in the civil courts, an action for a judgment that may result in collection from the Real Estate Recovery Fund, that person shall notify the Division in writing at the time of commencement of the action.

b) Time of Notice
"Time of the commencement of the action" shall be construed to mean within 7 days after:

1) the plaintiff in a civil action files a Complaint or an Amended Complaint in the Circuit Court or the Federal District Court; or

2) the aggrieved party files a proof of claim or an adversary action regarding nondischargeability of the debt in a bankruptcy matter.

c) Place and Manner of Notice
Notice required by Section 20-90 of the Act or by this Section shall be sent by certified mail, return receipt requested, or shall be delivered by hand, to the Division in Chicago, Illinois, Attention: Docket Clerk.

d) Contents of Notice
Every notice required by Section 20-90 of the Act or by this Section shall include:

1) a copy of the Court document:

A) the complaint showing the "Filed" stamp of the Clerk of the Court in which the complaint was filed; or

B) the proof of claim or an adversary complaint regarding nondischargeability in a bankruptcy matter.

2) copies of relevant documents available to the claimant, including:

A) real estate sales contract, lease, closing statement, disbursement directions or other evidence of title to real property on which the

claim is based, or if the claimant does not possess title, evidence of the interest in real property on which the claim is based (evidence includes documents such as title policy, deed or lease);

B) proof of any check or money order regarding earnest money or security deposit, other negotiable instruments or dishonored checks issued by the licensee;

3) an itemized statement of losses of actual cash money that the claimant alleges occurred as a result of conduct identified in Section 20-85 of the Act by a licensed broker, salesperson, leasing agent or unlicensed employee of a broker. When no itemized statement is possible, the claimant must state under oath that his or her losses are estimated and that his or her calculation of estimated losses is as accurate as circumstances permit him or her to make.

e) Necessity of Natural Person as a Defendant
No notice of claim will be recognized or accepted when the underlying complaint does not name at least one natural person (a licensed broker, salesperson, leasing agent or unlicensed employee of a broker) as a defendant.

Section 1450.950 Automatic Termination Upon Order to Pay Out from the Real Estate Recovery Fund

A licensee who desires to contest an automatic termination for payment out of the Real Estate Recovery Fund pursuant to Section 20-90(i) of the Act must file the appropriate motion or appeal with the Court that ordered the payment from the Fund.

Section 1450.955 Advisory Letters

a) The Division may issue advisory letters on issues dealing with the interpretation and application of the Real Estate License Act of 2000 and this Part.

b) A licensee is entitled to rely upon an advisory letter from the Division and will not be disciplined by the Division for actions taken in reliance on the advisory letter. An advisory letter may only be relied upon by the licensee seeking the advisory letter. However, the Division may change its position prospectively, at which time the licensee who sought the advisory letter will have to meet the new position or policy of the Division.

c) Although not binding on the Division, licensees other than the licensee who sought the advisory letter may refer to an advisory letter issued by the Division as the reason for a licensee's acts or omissions that result in the Division considering disciplinary action against the licensee. The Division will consider these arguments but will not be bound by the advisory letter except as to the licensee who actually sought the advisory letter from the Division.

d) Requests for advisory letters shall be submitted in writing to the Division. The request shall include at a minimum the following:

1) the name of the licensee on whose behalf the advisory letter is sought;

2) the factual situation or hypothetical factual situation on which the advisory letter is sought;

3) citations to any provisions of the Act, rules or cases that the licensee or the licensee's advisor believes is relevant to the issue, as well as a discussion of the relevance of the cited material to the issue on which advice is sought; and

4) a statement of the issue or issues on which advice is sought.

e) Because advisory letters will be available through the Freedom of Information Act and may also be published by the Division, the party requesting the advisory letter should indicate whether the name of the licensee should be disclosed in the advisory letter. If the request for the advisory letter includes a request to keep the name of the licensee or other parties in the letter confidential, then the person requesting the advisory letter shall submit, along with the request, a second letter using generic business names, for example, Licensee A, Company B, for the names to be kept confidential. If the Division receives such a request, then the published response will only use the generic names.

f) The Division shall respond to the licensee requesting the advisory letter within 60 days after receipt of the request by the Division. The response may be the advisory letter, an estimated time for providing an advisory letter, a request for clarification or additional information, or a statement that the Division declines to issue an advisory letter as requested with an indication of the reason for declining to issue the advisory letter. The Division shall provide a copy of all

correspondence concerning a request for an advisory letter to the sponsoring broker, if any, of the licensee requesting the advisory letter.

SUBPART J: GRANTING VARIANCES

Section 1450.1000 Granting Variances

a) The Director may grant variances from this Part in individual cases in which he or she finds that:

1) the provision from which the variance is granted is not statutorily mandated;

2) no party will be injured by the granting of the variance; and

3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board of his or her intention to grant a variance, and the reasons for granting the variance, at a meeting of the Board, prior to granting the variance.

SUBPART K: PRE-LICENSE SCHOOLS AND CONTINUING EDUCATION PROVIDERS

Section 1450.1100 Pre-License Schools

a) In accordance with Section 30-5(a) of the Act, any person or entity seeking approval to provide pre-license education, including the 30 hour post-license course needed to retain a broker license, shall submit to the Division an application on forms provided by the Division, along with the appropriate fee required by this Part. The Division shall, after review by the Advisory Council, approve a pre-license school if it meets certain minimum requirements and pays the required fee as provided in the Act and this Part.

b) The program of education for a pre-license school shall:

1) Be approved by the school's governing and/or supervising body;

2) Use instructors who have a valid license as a pre-license instructor as set forth in the Act and Section 1450.1115;

3) Have a curriculum that conforms to the standards of Section 1450.1105;

4) Administer a final course examination as outlined in Section 1450.1105.

c) Facilities

1) A pre-license school must provide an office in Illinois for the maintenance of all records, office equipment and office space necessary for customer service.

2) A pre-license school must provide telephone call assistance for customer service.

3) The premises, equipment and facilities of the pre-license school shall comply with all applicable community fire codes, building codes and health and safety standards.

4) The pre-license school is subject to inspection prior to approval or at any time thereafter by authorized representatives of the Division. The inspection shall be during regular business hours, with at least 24 hours advance notice of the inspection.

5) No pre-license school shall be maintained in a private residence.

6) Whenever a pre-license school intends to operate a branch location, an application shall be submitted to the Division for each branch location. Each application shall be accompanied by the fee as required by this Part.

7) No pre-license school shall allow the school premises or classrooms to be used during class time by anyone to directly or indirectly recruit students to become affiliated with a licensee. Instructors and school administrators shall promptly report to the Division any efforts to recruit students.

d) Administration

1) Pre-license schools shall use only licensed pre-license instructors.

2) No licensed pre-license school shall advertise that it is endorsed, recommended or accredited by the Division. The pre-license school, however, may indicate that the school is licensed by and the course of study has been approved by the Division.

3) Every pre-license school shall submit to the Division, upon its request, a schedule of all courses to be taught and when and where they will be taught. The Division shall be notified of any changes to that schedule.

4) The pre-license school shall provide a prospective student prior to enrollment with information that specifies the course of study to be offered, the tuition to be charged, the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship, any additional fee to be charged for supplies, materials or books that become the property of the student upon payment, and other matters that are material to the relationship between the school and the student.

5) Each pre-license school shall maintain for each student a record that shall include the course of instruction undertaken, dates of attendance and areas of study completed satisfactorily. Each student's record shall be maintained by the pre-license school for a period of 5 years and shall be available for inspection by the student or by the Division or its designee during regular business hours.

6) A licensed pre-license school shall certify on the initial application that the financial resources are available to equip and maintain the school, as documented by, for example, a current balance sheet or an income statement.

7) The Division shall be reimbursed by any out-of-state pre-license school for all reasonable expenses incurred by the inspector to inspect its facilities.

e) The Division shall notify administrative officials of the applicant in writing within 15 days after its approval or disapproval. In the event the applicant is disapproved, the reasons will be detailed and the applicant advised that the applicant may request a hearing as provided for in Section 30-5 of the Act.

f) The Division shall be notified of all proposed changes in ownership of a pre-license school on forms provided by the Division 30 days prior to the change in ownership.

g) Upon successful completion of a pre-license course, a pre-license school shall issue a student transcript on forms provided by the Division. Each transcript shall be affixed with the school's seal.

Section 1450.1105 Curriculum for Pre-License Schools

a) Pre-license schools shall offer, at a minimum, the courses provided for in this Section.

b) The application for licensure as a pre-license school shall include a list of courses to be offered, an outline and course description for each course along with a comprehensive timed examination and answer key. Each outline shall make reference to the textbook used and other material related to the course or subject matter, and shall conform to the standardized curriculum outlines and syllabi prepared by the Division.

c) Prior to May 1, 2011, a pre-license school must provide the following courses:

1) Real Estate Transactions shall include a minimum of 45 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings and professional code of ethics. This course shall be mandatory for all salesperson candidates.

2) Brokerage Administration shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois real estate law and licensure, listings, title search, forms for closing, contract forms and the broker-salesperson relationship.

3) Contracts and Conveyances shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure

and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.

4) Advanced Principles 2000 shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates and shall include agency, disclosure, environmental issues, escrow, license law and other topics approved by the Advisory Council and the Division.

d) Prior to May 1, 2011, a pre-license school shall provide 2 or more of the following courses:

1) Appraisal shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation and land value.

2) Property Management shall consist of a minimum of 15 class hours. The course shall include, but not be limited to, instruction in fundamentals of tenant-management relationship, property modernization, property maintenance, leases, real property insurance, commercial property, industrial property and advertising.

3) Financing shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage documents, closing a mortgage, interest, liens, foreclosure, real property insurance, mortgage risk, principles of property value for mortgage credit, mortgage analysis and construction loans.

4) Sales and Brokerage shall consist of a minimum of 15 class hours. The course shall include instruction in qualifications and functions of a real estate broker; land utilization; appraisal principles and methods; office organization; selection, training and supervision of salespersons and office personnel; compensation of salesperson listings; prospects; real estate markets; financial control; and government regulations.

5) Farm Property Management shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.

6) Real Property Insurance shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.

7) Other courses as approved from time to time by the Division. If additional elective courses are developed, they shall be approved by the Division prior to implementation. The courses shall be approved upon determination that the course is at least 15 clock hours (one clock hour equals 50 minutes) in length and constitutes real estate related material.

e) After April 30, 2011, pre-license schools must provide the following broker courses:

1) A 75 credit hour course including, but not limited to, the following topics: Introduction to License Law, Real Property, State and Federal Law, Real Estate Transactions, and Real Estate Career Paths.

2) A 15 credit hour Applied Real Estate Principles course presented in the classroom or by an interactive delivery method. The course shall consist of any or a combination of the following: Situational and Case Studies, Role Playing and Demonstration of Real Estate Activities primarily dealing with the application of the topics listed above to the practice of real estate brokerage.

f) After April 30, 2011, pre-license schools must provide the following post-license courses for brokers:

1) A 15 credit hour course covering License Law, State/Federal Laws and Agency and Real Estate Transactions.

2) A 15 credit hour Applied Real Estate Practices course presented in the classroom or by an interactive delivery method consisting of any or a combination of the following: Situational and Case Studies, Role Playing and Demonstration of Real Estate Activities primarily dealing with the application of the topics listed above to the practice of real estate brokerage.

g) After April 30, 2011, pre-license schools must provide the following managing broker courses:

1) A 30 credit hour Licensing, Operations, Escrow and Management course.

2) A 15 credit hour Applied Management and Supervision course presented in the classroom or by an interactive delivery method consisting of Situational and Case Studies. The course shall consist of any combination of the following: Dispute Resolution Simulations, Supervision Situations, Escrow and Discipline Case Studies primarily dealing with the application of the topics listed above to the practice of real estate brokerage.

h) The course content of the 30 credit hour course in subsection (f) shall be used to comply with the transition education required for a salesperson transitioning to a broker license pursuant to Section 5-46(a)(1) of the Act. However, there shall not be a classroom or interactive delivery method requirement for the transition education.

i) The course content of the 45 credit hours required in subsection (g) shall be used to comply with the transition education required for a broker transitioning to a managing broker license pursuant to Section 5-47(a)(1) of the Act. However, there shall not be a classroom or interactive delivery method requirement for the transition education.

j) Examinations. Each course, including transition courses, shall end in a mandatory proctored final examination prepared and provided by the approved pre-license school consisting of at least 25 questions for each 15 classroom hours for which the minimum passing score shall be no less than 75%. The examination shall be provided by the pre-license school either at the completion of each 15 classroom hours, or at the conclusion of the course. The pre-license school shall indicate in its registration material if the examination will be provided electronically, or in paper format, or both.

k) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (l). Missing any class hours after having the opportunity to make up class hours as provided in subsection (l) shall result in failure of the course.

l) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

m) The Division will supply a recommended comprehensive timed outline for schools to use as a guide in establishing the new curriculum, as of May 1, 2011. The Division will seek input and recommendation of the Advisory Council in formulating this outline.

n) The Advisory Council shall consider and may approve courses that incorporate various real estate brokerage disciplines in order to make courses such as the Managing Broker course or Post-License course for Broker under this Section more pertinent and helpful to licensees engaged in various disciplines of the real estate brokerage industry.

o) One hour of approved classroom based pre-license education shall include at least 50 minutes of instruction and shall be exclusive of any time devoted to taking the examination as set forth in subsection (j).

Section 1450.1110 Expiration Date and Renewal Period for Pre-License Schools

a) Every pre-license school and school branch license, as well as their course approvals, shall expire on June 30 of each odd-numbered year.

b) Each pre-license school shall be responsible for submitting an application for renewal of the license on forms provided by the Division. Failure to receive a renewal form shall not constitute a valid reason for failure to submit a renewal application or pay the renewal fee or to renew the appropriate license.

c) The applicable fees shall be those set forth in Section 1450.130.

d) As part of the renewal application, each pre-license school shall submit a list of courses, course outlines, course descriptions and examination answer keys for each course to be taught.

e) Operation of a pre-license school on an expired or inoperative license shall constitute unlicensed or unauthorized practice and may be grounds for discipline.

f) Any pre-license school or school branch whose license under the Act has expired for more than 2 years shall not be eligible for renewal of that license. Any pre-

license school whose license has been expired for less than 2 years may renew the license only after providing the Division with evidence that all qualifications of Section 1450.1100 have been met and the required fees have been paid.

Section 1450.1115 Pre-License Instructors

a) An applicant for a license as a pre-license instructor must meet the following criteria:

1) Pass an examination provided and approved by the Division with a minimum score of 75%.

2) Demonstrate expertise in the areas to be taught by virtue of:

A) being a broker or managing broker; or

B) being admitted to the practice of law by the Supreme Court of Illinois; or

C) prior teaching experience; or

D) professional background and experience.

3) After April 30, 2011, in addition to the requirements of subsections (a)(1) and (2), attend and successfully complete a 12 hour instructor training program administered over 2 or more days approved by the Advisory Council. Six hours, shall be devoted to instructor training and development and 6 hours shall be devoted to teaching the core content of the pre-license classes to be taught.

b) In order to renew a license, a pre-license instructor must have maintained a valid instructor's license, have no lapse in licensure greater than 2 years and either have taught at least one course during the period of licensure, or successfully completed the instructor training program approved by the Advisory Council.

c) No approved pre-license instructor shall be seated for any of the salesperson, broker or managing broker licensure examinations except for the purpose of securing a salesperson, broker or managing broker license. Nothing in this

subsection shall prevent the Division from using pre-license instructors to monitor and evaluate the examination.

Section 1450.1120 Administration of Proficiency Examinations and Eligibility to Take the Proficiency Exam and Transition Courses

a) Administration of Proficiency Examinations

1) The proficiency exams provided for in Sections 5-46 and 5-47 of the Act shall be prepared by the Department's real estate testing service and shall be administered and proctored by any approved pre-license school, either in electronic or paper format, acting in accordance with guidelines for delivery and security established by the testing service and the Department. The pre-license school shall indicate in its proficiency examination registration whether the proficiency examination will be provided electronically, or in paper format, or both.

2) The examination shall be administered at the school's address of record or at a licensed school branch location. Schools may also administer and proctor the proficiency examination at an unlicensed location that has been pre-approved by the Department. Schools must comply with any terms and conditions set by the Department.

3) Failure to comply with the requirements of subsections (a)(1) and (2) shall subject the school to discipline under the Act and this Part.

4) A licensee may only take one proficiency exam. The passing score for the proficiency exams shall be 75%.

b) Anyone licensed as a broker and eligible to be a managing broker on April 30, 2011 may, upon successful completion of the managing broker proficiency examination or the managing broker transition course, file an application to meet the requirements of Section 5-47 of the Act and this Part.

c) Proficiency exams shall be administered prior to March 16, 2012 in order to allow sufficient time for the exams to be scored and for results to be shared with licensees. Further, in the event that a licensee fails the exam, he or she will have the opportunity to complete the required coursework before the statutory deadline. After this date, transitioning licensees must take the applicable transition course

required in Section 1450.1105.

Section 1450.1125 Expiration Date and Renewal Period for Pre-License Instructors

a) Pre-license instructor licenses expire on June 30 of each odd-numbered year.

b) Each licensed pre-license instructor shall be responsible for submitting an application for renewal of the license on forms provided by the Division verifying that a pre-license course was taught during the pre-renewal period by the applicant or the applicant attended a Division approved instructor training program pursuant to Section 1450.1115(b) during the pre-renewal period. Failure to receive a renewal form shall not constitute a valid reason for failure to submit the renewal form or pay the required renewal fee.

c) The applicable fees shall be those set forth in Section 1450.130.

d) Instructing courses on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and may be grounds for discipline.

e) Restoration

1) Any licensed pre-license instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:

A) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the Illinois National Guard called into the service or training of the United States; or

B) engaged in training or education under the supervision of the United States prior to induction into military service; or

C) serving as the Director or as an employee of the Division.

2) A pre-license instructor renewing his or her license in accordance with this subsection (e) may renew the license within a period of 2 years following the termination of service and is not required to retest or reapply.

f) Except as otherwise provided in this Section, any pre-license instructor whose license under the Act has expired for more than 2 years shall meet the new applicant requirements found in Section 1450.1115.

g) Any pre-license instructor whose license has been expired for less than 2 years may renew the license only after providing the Division with a certification that all qualifications of Sections 1450.1115 and this Section have been met, that the instructor taught at least one course within the period of licensure or has completed a Division approved instructor training program and the required fee is paid.

Section 1450.1130 Continuing Education Schools

a) Approval of Continuing Education (CE) Schools. Those entities seeking approval as CE schools shall maintain an office in Illinois for maintenance of all records, office equipment and office space necessary for customers. The CE school must provide phone call assistance for customer service.

1) The CE school's office may, at any time, be subject to inspection by authorized representatives of the Division during regular working hours and upon at least 24 hours notice when the Division has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.

2) The Division shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector to inspect its facilities.

3) Entities seeking licensure as CE schools shall file a CE school application, on forms provided by the Division, along with the required fee. The application shall include the following:

A) An agreement by the applicant that the applicant shall provide to the Division, upon request, a schedule including location, date, time and name of instructor of each CE course to be offered;

B) The CE school's certification that:

i) all CE courses offered by the CE school for CE credit will

comply with the criteria in the Act and this Part;

ii) the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school;

iii) the CE school will maintain its records for not less than 5 years and will make these records available for inspection by the Division or its designee during regular business hours;

iv) upon request by the Division, the CE school will submit evidence to establish compliance with this Section and Sections 30-15 through 30-25 of the Act;

v) the CE school will only offer CE, other than distance education CE, in an environment that is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety and welfare of the attendees;

vi) financial resources are available to equip and maintain its office in a manner necessary to enable the CE school to comply with Article 30 of the Act, this Section and this Part, documented by a current balance sheet, an income statement or any similar evidence as requested by the Division;

vii) upon request the CE school will make available to a licensee who has taken one or more of the CE school's courses the records dealing with the licensee's participation in those courses; and

viii) the CE school will provide a closed book exam (unless excused by the Advisory Council) and a proctor for the exam, or an electronic means of proctoring the exam.

4) Validly licensed pre-license schools seeking to offer CE courses shall qualify for a CE school license upon completion of the required application and submission of the required fee.

5) The Division shall issue approval to the CE school or notify the CE school, in writing, why approval cannot be issued.

b) Licensed CE schools shall comply with the following:

1) No licensed CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit students. CE schools and CE instructors shall report to the Division any efforts to recruit students.

2) No licensed CE school shall advertise that it is endorsed, recommended or accredited by the Division. The CE school, however, may indicate that the school and the CE course have been approved by the Division.

3) Licensed CE schools shall utilize, in the teaching of approved CE courses, only CE instructors who have been licensed by the Division.

4) Licensed CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, licensed CE schools shall specify the number of core or elective CE course hours that may be earned by successfully completing the course.

5) Provide core CE courses according to the standardized syllabi provided by the Division with the approval of the Advisory Council.

c) Administration

1) All CE schools shall seek a certificate of registration for all CE courses they plan to offer and shall not offer any CE course until the Division has issued a certificate of registration for that course. All requests for registration of courses shall include a course description, course outline, learning objectives, examination and answer key.

2) Upon request all CE schools shall also notify the Division as to all CE instructors they plan to use.

3) The CE school shall be responsible for assuring verified attendance at

each CE course or distance education examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.

4) Each licensed CE school shall submit to the Division, on or before the 15th of each month, a report of those licensees passing CE courses offered by it during the preceding calendar month.

A) The monthly reports shall, at a minimum, include the following information for each licensee:

i) the licensee's name, address and license number;

ii) the CE school's name and license number;

iii) the CE course name, course license number, course category (core or elective) and credit hours; and

iv) other information as may be required by the Division.

B) If no courses were given by a CE school during the preceding calendar month, that CE school shall report in writing that no courses were given.

C) The monthly reports shall be submitted on forms or in a computer readable format provided by the Division.

D) There is no processing fee for a monthly report submitted in the computer readable format specified by the Division. Each monthly report submitted on paper or in a format other than that specified by the Division shall be accompanied by a processing fee of $.50 per licensee, per course listed on the report, payable by check to the Department of Financial and Professional Regulation.

E) A monthly report received by the Division with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of $200 in addition to the fees set forth in subsection (c)(4)(D).

F) If a CE school fails to file monthly reports or a statement saying that no CE courses were given, or fails to pay the required fees for 3 successive months, then the courses offered by that school may be disqualified pursuant to procedures set forth in Section 30-15 of the Act until all delinquent reports, processing fees and administrative fees, as set forth in this Section, have been submitted to and are received by the Division. The Division shall send notice to the school of an informal conference, with a representative of the Advisory Council and the Division and of pending disqualification pursuant to Section 30-15(d) of the Act by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

Section 1450.1135 Curriculum for Continuing Education Schools and Course Registration Process

a) The Division, with the advice of the Advisory Council, shall designate core (mandatory) courses for each cycle and shall provide a standardized syllabus to be used by the CE schools for those courses. This shall be effective for the broker prerenewal cycle beginning May 1, 2010**.**

b) Elective courses must be approved by the Division, through its Advisory Council.

c) Credit hours may be earned for distance education programs approved by the Advisory Council.

d) A licensee may earn credit for a specific CE course only once during the prerenewal period.

e) The Division shall issue certificates of registration for approved CE courses upon successful completion of the following process:

1) The person or entity seeking approval for the CE course completes and submits the application approved by the Division for a certificate of registration;

2) The CE description, comprehensive timed outline, learning objectives, examination and answer key and any other course and examination

materials requested by the Division or the Advisory Council is submitted along with the application;

3) The fee required by Section 1450.130 is submitted; and

4) The Advisory Council approves the application for registration of the CE course.

f) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination as set forth in subsection (h).

g) Each CE course shall include one or more subjects from either the core category or elective category (see Section 1450.340(b)(3)(A) or (b)(3)(B), 1450.450(b)(3)(A) or (b)(3)(B), or 1450.540(b)(3)(A) or (b)(3)(B)) regardless of whether students are in actual attendance or participating in distance education coursework. All CE courses shall be a minimum of 3 hours and shall be offered in 3 hour increments. Each 3 hour increment shall be a course approved by the Advisory Council. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the core or elective category.

h) Each CE course shall include the successful completion of an examination that measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

1) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination may be given either at the end of each individual course or it may be given at the end of the sequence of courses so long as the examination covers all aspects of the course material.

2) All examinations, including distance education examinations and retake examinations, shall be proctored by a representative of the approved CE school, or shall provide a means of electronic proctoring approved by the Division. All examinations shall include at least 25 questions for each 3-hour increment of CE earned and shall be a closed book exam unless waived by the Advisory Council due to the complexity of the course material and exam.

3) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for that CE course unless the entire course is retaken and the examination is successfully completed.

i) Distance education CE shall comply with all of the requirements of this Section, except that:

1) Verified attendance is only required for taking the examination.

2) Classroom instruction is not required for distance education CE, as the intent is for the licensees to review and learn the material on their own.

3) Acceptable distance education course materials include, but are not limited to, reading material and audio or video content.

4) The examination site for distance education CE shall be determined by the CE school, and it shall be proctored by a representative of the approved sponsor. An approved instructor is not required to proctor the examination.

j) All CE courses shall:

1) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of real estate;

2) Provide experiences (e.g., role playing, lectures, films) that contain subject matter and course materials relevant to that set forth in Section 5-70 of the Act; and

3) Be developed and presented by persons with education and/or experience in the subject matter of the CE course.

k) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or electronic communications with 2-way voice interaction in assisting in the presentation of CE courses.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1450.1140 Expiration Date and Renewal Period for Continuing Education Schools

a) Every CE school license shall expire on June 30 of each even-numbered year.

b) Every certificate of registration of a CE course shall expire on June 30 of each even-numbered year.

c) Each licensed CE school shall be responsible for renewal of the license on forms provided by the Division. Failure to receive a renewal form shall not constitute a valid reason for failure to submit the proper application for renewal.

d) The applicable fees shall be those set forth in Section 1450.130.

e) Each CE school shall submit the renewal application along with the proper fee and a list of courses to be taught. If the course has been updated, the school shall submit the updated course descriptions, course outlines, examinations and answer keys with the renewal applications.

f) Operation of a CE school on an expired or inoperative license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline under the Act.

g) Any CE school whose license under the Act has been expired for more than 2 years shall not be eligible for renewal of that license. Any CE school whose license has been expired for less than 2 years may renew the license after providing the Division with evidence that all qualifications of Section 1450.1130 have been met and the proper renewal fees have been paid.

Section 1450.1145 Continuing Education Instructors

a) An applicant seeking approval from the Division to become a licensed CE instructor shall submit a completed application, on forms provided by the Division, along with the fee required by Section 1450.130 and a certification that the applicant has attended and successfully completed a one-day, 6 hour, instructor development course. This course may be the same as the 6 hour instructor training program provided for pre-license instructors in Section 1450.1115(b). Attendance at the pre-license instructor development 12 hour courses will satisfy this requirement for CE instructor licensees.

b) An individual applying to become a licensed CE instructor shall meet at least one of the following criteria:

1) Licensed and active in practice as a real estate broker for at least the last 3 years; or

2) Is currently admitted to practice law and for 3 years has been engaged in real estate related work as part of his or her active practice of law or has taught pre-licensure real estate courses; or

3) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least 3 years; or as evidenced by a professional designation, such as, but not limited to, a designated real estate instructor (DREI); or approved by a college's or university's governing body to teach in a real estate degree program; or

4) Is properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations (not including real estate salespersons or leasing agents) and for at least 3 years has been engaged in that practice; or

5) Is qualified by experience or education as outlined in Section 30-15(b)(9) of the Act. In determining whether a person is qualified to teach CE under that Section, the Director shall consider the following:

A) The individual's teaching experience;

B) The individual's real estate experience;

C) Any real estate, business or legal education of the individual;

D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state); and

E) The recommendation of the Advisory Council. The Advisory Council shall make a recommendation to the Director for approval or disapproval of the applicant as a CE instructor.

c) Individuals validly licensed to teach salesperson, broker and managing broker pre-license courses, pursuant to Section 1450.1115, are qualified as CE instructors as long as they submit an application to the Division for licensure as a CE instructor and pay the required fee.

d) The Division shall notify the applicant in writing within 15 days after its approval or disapproval. The Division can restrict a CE instructor's license to teaching only certain CE courses or certain types of CE courses. In the event the applicant is disapproved, the reasons will be detailed and the applicant advised that the applicant may request a hearing as provided for in Section 30-5 of the Act and 68 Ill. Adm. Code 1100.

Section 1450.1150 Expiration Date and Renewal Period for Continuing Education Instructors

a) Every CE instructor license shall expire on June 30 of each even-numbered year.

b) Each licensed CE instructor shall be responsible for renewal of the license on forms provided by the Division. Failure to receive a renewal form shall not constitute a valid reason to submit the proper application for renewal and for failure to pay the proper renewal fee.

c) The applicable fees shall be those set forth in Section 1450.130.

d) Teaching CE courses on an expired license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline.

e) Restoration

1) Any licensed CE instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:

A) on active duty with the United States Army, United States Navy,

United States Marine Corps, United States Air Force, United States Coast Guard, or the Illinois National Guard called into the service or training of the United States; or

B) engaged in training or education under the supervision of the United States prior to induction into military service; or

C) serving as the Director or as an employee of the Division.

2) A CE instructor renewing his or her license in accordance with this subsection (e) may renew the license within a period of 2 years following the termination of service and is not required to reapply.

f) Any CE instructor whose license under the Act has been expired for more than 2 years shall not be eligible for renewal of that license. Any CE instructor whose license has been expired for less than 2 years may renew the license only after providing the Division with evidence that all qualifications of Section 1450.1145 have been met and the proper renewal fee is paid.

g) Any CE instructor applying for renewal must verify he or she has taught at least 2 courses during the last 6 years, or successfully completed the instructor training program approved by the Advisory Council.

Section 1450.1155 Distance Education Courses

Distance education courses are courses in which instruction does not take place in a traditional face to face classroom situation but rather when instruction takes place through other media. Distance education programs include, but are not limited to, those that are presented through on-line courses, interactive classrooms, video conferencing, audio tape, print media, video tape, compact disks and interactive computer. Distance education courses shall be licensed to an approved pre-license or CE school and meet the curriculum requirements set forth in Section 1450.1105 and/or Section 1450.1135, as applicable.

a) Distance education courses must meet all requirements for pre-license or CE courses, whichever is applicable, and any additional requirements established by the Act and this Part.

b) Distance education courses shall be submitted to the Division for review and approval as provided for in Section 1450.1105 or Section 1450.1135, whichever is

applicable.

c) Pre-license or CE schools providing distance education courses shall establish written policies and procedures for grading examinations and lessons, which shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials. Copies of these policies shall be provided to the Division upon request.

d) Schools providing distance education courses shall establish performance objectives for each course.

e) Pre-license schools offering distance education courses shall maintain an average passing rate of at least 50% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December.

f) Schools providing distance education courses shall provide for a valid licensed instructor to be available during normal business hours to answer student questions.

g) Each school offering distance education courses shall submit for approval by the Division the general plans for proctoring exams for distance education courses and each school shall be responsible for the security and integrity of course final examinations and the suitability of the sites and proctors utilized by the school.

h) Each school offering distance education shall provide appropriate technical support throughout the period the courses are offered.

i) Approved distance education courses shall require the student to spend the same time completing the course as it would take them to complete a classroom course. Pre-license or CE schools shall include a comprehensive timed outline consistent with course hour requirements for each distance education course initial application.

j) Pre-license or CE schools shall not administer a course final exam to a student until the student has had adequate time to complete the course.

Section 1450.1160 Recruitment at Test Center

Licensees shall not recruit test takers to become affiliated with a licensee at test facilities where the Illinois Real Estate Licensing Examination is being conducted before, during, or after the examination.

Section 1450.1165 Discipline of Schools or Instructors

a) The Advisory Council, after notice, can conduct an informal conference for the purpose of reviewing a school's or instructor's compliance with the Act and this Part. The Advisory Council may make a recommendation to the Board based upon its findings and conclusions resulting from that conference.

b) Upon written recommendation of the Board to the Director, the Division may refuse to issue or renew a license or certificate of registration, reprimand, fine, withdraw approval, place on probation, suspend, or revoke any license or otherwise discipline any license or certificate of registration, of any pre-license school, pre-license instructor, CE school, CE instructor, course, or applicant for the license or certificate of registration when, at any time:

1) The quality of the course, instruction or program fails to meet the established criteria as set forth in the Act and this Part.

2) If the license approval was based upon false or deceptive information.

3) If any other professional license, accreditation or certification of the instructor or school is suspended, revoked or otherwise disciplined.

4) When the applicant or licensee has:

A) subverted or attempted to subvert the integrity of any exam or course, including through improper reproduction of an exam, providing an answer key to an exam, cheating, bribery or otherwise aids and abets an applicant or licensee to subvert the integrity of any exam or course;

B) made any substantial misrepresentation or misleading or untruthful advertising, including without limitation guaranteeing success or a "pass score" on any exam or in any course or using any trade name or insignia of membership in any educational or any real estate organization of which the applicant or licensee is not a member;

C) taught real estate courses without being qualified, including, but not limited to, being unapproved by the Division, being unlicensed, having a nonrenewed license or being uncertified, or aids and abets an unqualified individual to teach a real estate course;

D) failed to provide information to the Division as required under any provision of the Act or this Part; or

E) disregarded or violated any provision of the Act or this Part.

5) Any approved pre-license school fails to maintain an average passing rate of at least 50% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December.

c) Disciplinary proceedings shall be conducted by the Board as provided for in the Act and Subpart I of this Part.

d) The Division may temporarily suspend without hearing the certificate of registration for a licensed CE school's courses for failure to comply with the Act or this Part upon recommendation of the Advisory Council. No CE credit shall be granted to any licensee for completing a CE course for which the certificate of registration has been temporarily suspended.

Section 1450.1170 Real Estate Education Advisory Council

The Coordinator shall not be counted as a member of the Advisory Council for the purpose of determining whether a quorum is present.

SUBPART L: CONTINUING EDUCATION TRANSITIONAL PROVISIONS

Section 1450.1200 Continuing Education Requirements for Transitioned Licensees

a) The CE requirement for April 30, 2012 renewal for salespersons who transitioned to brokers by passing the proficiency examination shall be 18 hours of CE courses taken pursuant to Section 1450.340. The 18 hour requirement shall consist of a minimum of 9 hours of courses approved as core and a maximum of 9 hours of courses approved as elective.

b) Salespersons who transitioned to brokers by successfully completing the 30 hour transition courses are not required to take CE for the April 30, 2012 renewal.

c) The CE requirement for April 30, 2013 for brokers who transitioned to managing brokers by passing the proficiency exam shall be 18 hours of CE courses and the 12 hour broker management CE course taken pursuant to Section 1450.540. The 18 hour requirement shall consist of a minimum of 9 hours of courses approved as core and a maximum of 9 hours of courses approved as elective.

d) The CE requirement for April 30, 2013 for brokers who transitioned to managing brokers by completing the 45 hour transition courses shall be 18 hours of courses taken pursuant to Section 1450.540. The 18 hour requirement shall consist a minimum of 9 hours of courses approved as core and a maximum of 9 hours of courses approved as elective.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Mobile Sources

2) Code Citation: 35 Ill. Adm. Code 240

3)

Section Numbers:	Adopted Action:
240.102	Amend
240.104	Amend
240.105	Amend
240.106	Amend
240.107	Amend
240.151	Amend
240.152	Amend
240.153	Amend
240.161	Repeal
240.162	Repeal
240.163	Repeal
240.164	Repeal
240.165	Repeal
240.171	Amend
240.181	Amend
240.182	Amend
240.191	Amend
240.TABLE A	Repeal
240.TABLE B	Repeal
240.TABLE C	Repeal

4) Statutory Authority: Implementing Section 13C-20 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-20] and authorized by Sections 9, 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/9, 10, 27, 28]

5) Effective Date of Amendments: March 18, 2011

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 all materials incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and are available there for public inspection.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

9) Notice of Proposal Published in Illinois Register: January 3, 2011; 35 Ill. Reg. 129.

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: In proceeding from its original proposal for public comment to final adoption, the Board has incorporated a limited number of technical changes proposed by JCAR. In addition, the Board has amended the definition of "preconditioning mode" in Section 240.102 to strike a reference to "loaded mode" operation. Striking this reference is consistent with the Illinois Environmental Protection Agency's original proposal and the Board's opinion and order for public comment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, please see the Board's March 17, 2011 opinion and order adopting these rules. Revision of Enhanced Vehicle Emission Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240, R11-19 (Mar. 17, 2011). The Illinois Environmental Protection Agency proposed to repeal various emission test standards and requirements and to update various definitions and incorporations by reference.

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

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

312/814-6085
foxt@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket

number R11-19 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 240
MOBILE SOURCES

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section
240.101 Preamble
240.102 Definitions
240.103 Prohibitions
240.104 Inspection
240.105 Penalties
240.106 Determination of Violation
240.107 Incorporations by Reference

SUBPART B: EMISSIONS

Section
240.121 Smoke Emissions
240.122 Diesel Engine Emissions Standards for Locomotives
240.123 Liquid Petroleum Gas Fuel Systems
240.124 Vehicle Exhaust Emission Standards (Repealed)
240.125 Compliance Determination (Repealed)

SUBPART C: SMOKE OPACITY STANDARDS AND TEST PROCEDURES
FOR DIESEL-POWERED HEAVY DUTY VEHICLES

Section
240.140 Applicability
240.141 Smoke Opacity Standards and Test Procedures for Diesel-Powered Heavy Duty Vehicles

SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section
240.151 Applicability
240.152 Steady-State Idle Mode Vehicle Exhaust Emission Standards
240.153 Compliance Determination

SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

Section
240.161 Applicability (Repealed)
240.162 Vehicle Exhaust Emission Start-Up Standards (Repealed)
240.163 Vehicle Exhaust Emission Final Standards (Repealed)
240.164 Vehicle Exhaust Emission Fast-Pass Standards (Repealed)
240.165 Compliance Determination (Repealed)

SUBPART F: EVAPORATIVE TEST STANDARDS

Section
240.171 Applicability
240.172 Evaporative System Integrity Test Standards
240.173 Evaporative System Purge Test Standards (Repealed)

SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

Section
240.181 Applicability
240.182 On-Road Remote Sensing Emission Standards
240.183 Compliance Determination

SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

Section
240.191 Applicability
240.192 On-Board Diagnostic Test Standards
240.193 Compliance Determination

240.APPENDIX A Rule into Section Table
240.APPENDIX B Section into Rule Table
240.TABLE A Vehicle Exhaust Emission Start-Up Standards (Repealed)
240.TABLE B Vehicle Exhaust Emission Final Standards (Repealed)

240.TABLE C Vehicle Exhaust Emission Fast-Pass Standards (Repealed)

AUTHORITY: Implementing Sections 9 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9, 10, 27, and 28] and Section 13C-20 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-20].

SOURCE: Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective April 14, 1972; codified at 7 Ill. Reg. 13628; amended in R85-25, at 10 Ill. Reg. 11277, effective June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-20 at 18 Ill. Reg. 18013, effective December 12, 1994; amended in R94-19 at 18 Ill. Reg. 18228, effective December 20, 1994; amended in R98-24 at 22 Ill. Reg. 13723, effective July 13, 1998; expedited correction at 22 Ill. Reg. 21120, effective July 13, 1998; amended in R01-12 at 24 Ill. Reg. 19188, effective December 18, 2000; amended in R01-8 at 25 Ill. Reg. 3680, effective February 26, 2001; amended in R02-8 at 25 Ill. Reg. 16379, effective December 18, 2001; amended in R11-19 at 35 Ill. Reg. 5552, effective March 18, 2011.

BOARD NOTE: This Part~~part~~ implements the Environmental Protection Act as of July 1, 1994.

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section 240.102 Definitions

All terms that~~which~~ appear in this Part have the definitions specified in this Section, the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C].~~Part~~ and 35 Ill. Adm. Code 201 and 211. When~~Where~~ conflicting definitions occur between this Section and 35 Ill. Adm. Code 201 or 211, the definitions of this Section apply in this Part.

~~"Adjusted loaded vehicle weight ("ALVW") means the value of the vehicle curb weight plus gross vehicle weight rating divided by two.~~

"Agency" means the Illinois Environmental Protection Agency.

"Diesel engine" means all types of internal-combustion engines in which air is compressed to a temperature sufficiently high to ignite fuel injected directly into the cylinder area.

"Diesel locomotive" means a diesel engine vehicle designed to move cars on a railway.

"Evaporative system integrity test" means a test of a vehicle's evaporative system. The test shall either consist of a leak check of a vehicle's fuel cap with a fuel cap pressure decay tester (fuel cap pressure decay test), a fuel cap leak flow tester (fuel cap leak flow test), or a visual functional check, as applicable.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a test which may be performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Fuel cap leak flow tester" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a ten second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of this Part.

~~"Full power position" means the throttle position at which the engine fuel delivery is at maximum flow.~~

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Heavy duty vehicle" means any motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at speed of 2500 ±300 RPM.

~~"IM240" means the transient mass emissions inspection procedure that the USEPA developed and has been implemented for use in the Illinois Enhanced Vehicle Inspection and Maintenance Program. 240 refers to the 240 second maximum duration of the driving cycle that the vehicle undergoes as it is positioned on the dynamometer and essentially driven for the purpose of measuring the mass amount of emissions coming out of the tail pipe.~~

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Light duty truck 1" means a motor vehicle rated at 6000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2" means a motor vehicle rated between 6001 and 8500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

~~"Loaded mode" means that portion of a vehicle emission test procedure conducted with the vehicle positioned and operating under load on a chassis dynamometer.~~

~~"Loaded vehicle weight (LVW)" means the vehicle curb weight plus 300 pounds.~~

"Measured values" means five-second running averages of exhaust emission concentrations sampled at a minimum rate of twice per second.

"Model year" means the year of manufacture of a motor vehicle based upon the annual production period as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture.

"Motor vehicle" as used in this Part, shall have the same meaning as in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146].

"Opacity" means the percentage of light transmitted from a source that is prevented from reaching a light detector.

"Preconditioning mode" means a period of steady-state ~~loaded mode or~~ high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failures caused by improper or insufficient warm-up.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Snap-acceleration test" means a test to measure exhaust smoke opacity from heavy-duty diesel powered vehicles in accordance with the SAE J1667 procedure, incorporated by reference at Section 240.107 of this Subpart.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.

~~"Transient loaded mode test" or "IM240 testing" or "transient IM240 loaded mode exhaust emission test procedure" or "transient IM 240 test procedure" means a vehicle emissions test run on an inertial and power absorbing dynamometer using~~

~~USEPA's IM240 driving cycle consisting of accelerations and decelerations simulating on-road driving conditions.~~

"Vehicle curb weight" means the actual vehicle weight plus standard equipment and a full fuel tank.

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.104 Inspection

a) All motor vehicles subject to inspection pursuant to Section 13C~~B~~-15 of the Vehicle Emissions Inspection Law of 2005~~1995~~ [625 ILCS 5/13C~~B~~-15] shall comply with applicable vehicle emission standards contained in Sections 240.152, ~~240.162, 240.163,~~ 240.172, 240.182, and 240.192 of this Part.

b) All diesel-powered vehicles subject to inspection pursuant to Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1] must comply with applicable smoke opacity standards set forth in Section 240.141(a) of this Part.

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.105 Penalties

a) Any violations of Sections 240.103, 240.121, 240.122, or~~and~~ 240.123 of this Part shall be subject to the penalties as set forth in Section 42 of the Act [415 ILCS 5/42].

b) Any violations of Sections 240.104(b), 240.152, ~~240.162, 240.163,~~ 240.172, 240.182, or~~and~~ 240.192 of this Part shall be subject to the penalties as set forth in Sections 13C~~B~~-55 and 13C~~B~~-60 of the Vehicle Emissions Inspection Law [625 ILCS 5/13C~~B~~-55 and 13C~~B~~-60].

c) Any violation of Section 240.141(a) of this Part will be subject to penalties as set forth in Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1].

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.106 Determination of Violation

a) Any violations of Sections~~Section~~ 240.103, 240.121, 240.122, or~~and~~ 240.123 of this Part shall be determined by visual observation or by a test procedure employing an opacity measurement system as qualified by 35 Ill. Adm. Code 201, Subpart J.

b) Any violations of Sections~~Section~~ 240.152, ~~240.162, 240.163,~~ 240.172, 240.182, or 240.192 of this Part shall be determined in accordance with test procedures adopted by the Agency in 35 Ill. Adm. Code 276.

c) Any violation of Section 240.141(a) of this Part will be determined in accordance with test procedures set forth in Section 240.141(b) of this Part.

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.107 Incorporations by Reference

The following material is~~materials are~~ incorporated by reference and includes~~include~~ no later editions or amendments:

~~a)~~Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096-0001, www.sae.org: Report J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles (February 1996).

~~b) United States Environmental Protection Agency (USEPA), "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance," Report EPA-AA-RSPD-IM-96-1 (June 1996), 2565 Plymouth Road, Ann Arbor, MI 48105.~~

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section 240.151 Applicability

The standards of this Subpart ~~D~~ apply to those~~all~~ vehicles identified in subsection 13C-25(d)~~inspected upon implementation~~ of the Vehicle Emissions Inspection Law of 2005~~1995 and identified in Subsections 13B-25(c) and (d) of that law utilizing steady-state exhaust emission test procedures adopted by the Agency~~.

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.152 Steady-State Idle Mode Vehicle Exhaust Emission Standards

a) Exhaust emissions from light duty vehicles shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
~~1968 - 1971~~	~~9.0~~	~~900~~
~~1972 - 1974~~	~~8.0~~	~~800~~
~~1975 - 1977~~	~~7.0~~	~~700~~
~~1978 - 1979~~	~~6.0~~	~~600~~
~~1980~~	~~3.0~~	~~300~~
1996~~1981~~ and newer~~later~~	1.2	220

b) Exhaust emissions from light duty trucks 1 and light duty trucks 2 shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
~~1968 - 1971~~	~~9.0~~	~~900~~
~~1972 - 1974~~	~~8.0~~	~~800~~
~~1975 - 1978~~	~~7.0~~	~~700~~
~~1979 - 1980~~	~~6.0~~	~~600~~
1996~~1981~~ and newer~~later~~	1.2	220

c) Exhaust emissions from heavy duty vehicles shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
~~1968 - 1971~~	~~9.5~~	~~1500~~
~~1972 - 1978~~	~~9.0~~	~~900~~
~~1979 - 1984~~	~~7.0~~	~~700~~
1996~~1985~~ and	3.0	300

newer~~later~~

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.153 Compliance Determination

Compliance shall be determined based upon the measurement of exhaust emissions using the steady-state idle test while the vehicle to be tested is operating in the idle mode. The vehicle shall pass exhaust emissions inspection if at any time during the initial idle mode or second-chance idle mode of the steady-state idle test the measured values are at or below the applicable limits of Section 240.152 of this Subpart. Vehicles failing the initial idle mode shall undergo a ~~loaded or~~ high idle preconditioning mode and receive a second-chance idle mode unless no measured values less than 1800 ppm HC are obtained within an elapsed time of 30 seconds.

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

Section 240.161 Applicability (Repealed)

~~The standards of this Subpart apply to model year 1981 and newer light duty vehicles, light duty trucks 1, and light duty trucks 2 which are inspected utilizing transient IM240 loaded mode exhaust emission test procedures adopted by the Agency in 35 Ill. Adm. Code 276.~~

(Source: Repealed at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.162 Vehicle Exhaust Emission Start-Up Standards (Repealed)

~~Vehicle exhaust emission start-up standards contained in Section 240.Table A of this Part shall apply for all vehicles subject to inspection until January 31, 2001. From February 1, 2001, onward, these standards shall continue to apply to all model year 1981 through model year 1987 LDV, LDT1, and LDT2 vehicles. All standards are expressed in grams per mile (gpm).~~

(Source: Repealed at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.163 Vehicle Exhaust Emission Final Standards (Repealed)

~~Beginning February 1, 2001, vehicle exhaust emission final standards contained in Section 240.Table B of this Part shall apply for all vehicles subject to except for model year 1981~~

~~through model year 1987 LDV, LDT1, and LDT2 vehicles, which shall continue to use the standards contained in Section 240.Table A of this Part as described in Section 240.162. All standards are expressed in grams per mile (gpm).~~

(Source: Repealed at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.164 Vehicle Exhaust Emission Fast-Pass Standards (Repealed)

~~Vehicle exhaust emissions fast-pass standards contained in Section 240.Table C of this Part will apply for all vehicles subject to inspection under Section 240.161 of this Part utilizing the IM240 transient loaded mode exhaust emission test procedures that have been adopted by the Agency in 35 Ill. Adm. Code 276. All standards are expressed as the cumulative grams for each second of the composite and Phase 2 tests.~~

(Source: Repealed at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.165 Compliance Determination (Repealed)

~~a)~~ ~~Vehicle Exhaust Emission Start-Up and Final Standards - Compliance shall be determined based upon the measurement of exhaust emissions while operating the vehicle on a dynamometer and following the driving cycle as specified for the transient IM240 test procedures adopted by the Agency. If the corrected, composite emission rates exceed standards for any pollutant, additional analysis of test results shall review the second phase ("Phase 2") of the driving cycle separately. Phase 2 shall include second 94 through second 239 of the driving cycle. Second-by-second emission rates in grams and composite emission rates in grams per mile for Phase 2 and for the entire composite test shall be recorded for each pollutant. For any given pollutant, if the composite emission level is at or below the composite standard or if the Phase 2 grams per mile emission level is at or below the applicable Phase 2 standard, then the vehicle shall pass the test for that pollutant. Composite and Phase 2 emission rates shall be calculated in accordance with procedures specified in "High-Tech I/M Procedures, Emissions Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance", incorporated by reference at Section 240.107(c) of this Part.~~

~~b)~~ ~~Vehicle Exhaust Emission Fast-Pass Standards - Compliance will be determined based upon the measurement of exhaust emissions while operating the vehicle on a dynamometer and following the driving cycle as specified for the transient~~

~~IM240 test procedures adopted by the Agency. Vehicles will be fast-passed using the following algorithm:~~

~~1) Beginning at second 30 of the driving cycle, cumulative second-by-second emission levels for each second, calculated from the start of the cycle in grams, will be compared to the cumulative fast-pass emission standards for the second under consideration. Beginning at second 109, fast-pass decisions are based upon analysis of cumulative emissions in Phase 2, the portion of the test beginning at second 94, as well as emission levels accumulated from the beginning of the composite test.~~

~~2) A vehicle will pass the transient IM240 test for a given pollutant if either of the following conditions occurs:~~

~~A) cumulative emissions of the pollutant are below the full cycle fast-pass standard for the second under consideration; or~~

~~B) at second 109 and later, cumulative Phase 2 emissions are below the Phase 2 fast-pass standards for the second under consideration.~~

~~3) Testing may be terminated when fast-pass criteria are met for all subject pollutants in the same second.~~

~~4) If a fast-pass determination cannot be made for all subject pollutants before the driving cycle ends, the pass/fail determination for each component will be based on composite or Phase 2 emissions over the full driving cycle according to the procedures in subsection (a) of this Section. In cases where fast-pass standards are not used, composite emission rates in grams per mile for Phase 2 and for the entire composite test will be recorded for each pollutant.~~

~~5) Composite and Phase 2 emission rates will be calculated in accordance with procedures specified in "High-Tech I/M Procedures, Emissions Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance" incorporated by reference at Section 240.107(c) of this Part.~~

(Source: Repealed at 35 Ill. Reg. 5552, effective March 18, 2011)

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SUBPART F: EVAPORATIVE TEST STANDARDS

Section 240.171 Applicability

The standards of this Subpart apply to those vehicles identified in subsection 13C-25(d) of the Vehicle Emissions Inspection Law of 2005~~The standards of Section 240.172 of this Subpart shall apply to all model year 1968 and newer vehicles required at the time of manufacture to be equipped with evaporative emission control systems~~.

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

Section 240.181 Applicability

The standards of this Subpart apply to those~~all~~ vehicles tested pursuant to subsection 13C-15(b)(11) of the Vehicle Emissions Inspection Law of 2005~~which are inspected utilizing the on-road remote sensing exhaust emission test procedures that will be adopted by the Agency in 35 Ill. Adm. Code 276~~.

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.182 On-Road Remote Sensing Emission Standards

Exhaust emissions ~~from all subject vehicles and trucks~~ shall not exceed the following limitations:

Model Year	Hydrocarbons (ppm)	Carbon Monoxide (%)
1996 and newer~~1992+~~	400	2.0
~~1988 - 1991~~	~~450~~	~~3.0~~
~~1981 - 1987~~	~~650~~	~~5.0~~
~~1975 - 1980~~	~~1300~~	~~7.0~~
~~1968 - 1974~~	~~1700~~	~~8.0~~

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

Section 240.191 Applicability

The standards of this Subpart apply to those vehicles tested pursuant to subsection 13C-25(c) of the Vehicle Emissions Inspection Law of 2005~~all 1996 and newer model year light duty vehicles, light duty trucks 1, and light duty trucks 2 that are required to meet the standards contained in 40 CFR 86.094-17 and which are inspected utilizing the on-board diagnostic test procedures contained in 35 Ill. Adm. Code 276.209. Vehicles that receive a result of fail do not thereby fail their emissions test until January 1, 2002~~.

(Source: Amended at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.TABLE A Vehicle Exhaust Emission Start-Up Standards (Repealed)

~~Light Duty Vehicles:~~

~~Model Years~~	~~Hydrocarbons~~		~~Carbon Monoxide~~		~~Oxides of Nitrogen~~	
	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~
~~1996+~~	~~0.80~~	~~0.50~~	~~15.0~~	~~12.0~~	~~2.0~~	~~Reserved~~
~~1991-1995~~	~~1.20~~	~~0.75~~	~~20.0~~	~~16.0~~	~~2.5~~	~~Reserved~~
~~1983-1990~~	~~2.00~~	~~1.25~~	~~30.0~~	~~24.0~~	~~3.0~~	~~Reserved~~
~~1981-1982~~	~~2.00~~	~~1.25~~	~~60.0~~	~~48.0~~	~~3.0~~	~~Reserved~~

~~Light Duty Trucks 1:~~

~~Model Years~~	~~Hydrocarbons~~		~~Carbon Monoxide~~		~~Oxides of Nitrogen~~	
	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~
~~1996 +~~						
~~(≤ 3750 LVW)~~	~~0.80~~	~~0.50~~	~~15.0~~	~~12.0~~	~~2.0~~	~~Reserved~~
~~(>3750 LVW)~~	~~1.00~~	~~0.63~~	~~20.0~~	~~16.0~~	~~2.5~~	~~Reserved~~
~~1991-1995~~	~~2.40~~	~~1.50~~	~~60.0~~	~~48.0~~	~~3.0~~	~~Reserved~~
~~1988-1990~~	~~3.20~~	~~2.00~~	~~80.0~~	~~64.0~~	~~3.5~~	~~Reserved~~
~~1984-1987~~	~~3.20~~	~~2.00~~	~~80.0~~	~~64.0~~	~~7.0~~	~~Reserved~~
~~1981-1983~~	~~7.50~~	~~5.00~~	~~100.0~~	~~80.0~~	~~7.0~~	~~Reserved~~

~~Light Duty Trucks 2:~~

~~Model Years~~	~~Hydrocarbons~~		~~Carbon Monoxide~~		~~Oxides of Nitrogen~~	
	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~
~~1996+~~						
~~(≤ 5750 ALVW)~~	~~1.00~~	~~0.63~~	~~20.0~~	~~16.0~~	~~2.5~~	~~Reserved~~
~~(>5750 ALVW)~~	~~2.40~~	~~1.50~~	~~60.0~~	~~48.0~~	~~4.0~~	~~Reserved~~
~~1991-1995~~	~~2.40~~	~~1.50~~	~~60.0~~	~~48.0~~	~~4.5~~	~~Reserved~~

~~1988-1990~~	~~3.20~~	~~2.00~~	~~80.0~~	~~64.0~~	~~5.0~~	~~Reserved~~
~~1984-1987~~	~~3.20~~	~~2.00~~	~~80.0~~	~~64.0~~	~~7.0~~	~~Reserved~~
~~1981-1983~~	~~7.50~~	~~5.00~~	~~100.0~~	~~80.0~~	~~7.0~~	~~Reserved~~

(Source: Repealed at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.TABLE B Vehicle Exhaust Emission Final Standards (Repealed)

~~Light Duty Vehicles:~~

~~Model Years~~	~~Hydrocarbons~~		~~Carbon Monoxide~~		~~Oxides of Nitrogen~~	
	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~
~~1996+~~	~~0.60~~	~~0.40~~	~~10.0~~	~~8.0~~	~~1.5~~	~~Reserved~~
~~1983-1995~~	~~0.80~~	~~0.50~~	~~15.0~~	~~12.0~~	~~2.0~~	~~Reserved~~
~~1981-1982~~	~~0.80~~	~~0.50~~	~~30.0~~	~~24.0~~	~~2.0~~	~~Reserved~~

~~Light Duty Trucks 1:~~

~~Model Years~~	~~Hydrocarbons~~		~~Carbon Monoxide~~		~~Oxides of Nitrogen~~	
	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~
~~1996+~~						
~~(≤ 3750 LVW)~~	~~0.60~~	~~0.40~~	~~10.0~~	~~8.0~~	~~1.5~~	~~Reserved~~
~~(>3750 LVW)~~	~~0.80~~	~~0.50~~	~~13.0~~	~~10.0~~	~~1.8~~	~~Reserved~~
~~1988-1995~~	~~1.60~~	~~1.00~~	~~40.0~~	~~32.0~~	~~2.5~~	~~Reserved~~
~~1984-1987~~	~~1.60~~	~~1.00~~	~~40.0~~	~~32.0~~	~~4.5~~	~~Reserved~~
~~1981-1983~~	~~3.40~~	~~2.00~~	~~70.0~~	~~56.0~~	~~4.5~~	~~Reserved~~

~~Light Duty Trucks 2:~~

~~Model Years~~	~~Hydrocarbons~~		~~Carbon Monoxide~~		~~Oxides of Nitrogen~~	
	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~	~~Composite (gpm)~~	~~Phase 2 (gpm)~~
~~1996+~~						
~~(≤ 5750 LVW~~	~~0.80~~	~~0.50~~	~~13.0~~	~~10.0~~	~~1.8~~	~~Reserved~~
~~(>5750 LVW)~~	~~0.80~~	~~0.50~~	~~15.0~~	~~12.0~~	~~2.0~~	~~Reserved~~
~~1988-1995~~	~~1.60~~	~~1.00~~	~~40.0~~	~~32.0~~	~~3.5~~	~~Reserved~~
~~1984-1987~~	~~1.60~~	~~1.00~~	~~40.0~~	~~32.0~~	~~4.5~~	~~Reserved~~
~~1981-1983~~	~~3.40~~	~~2.00~~	~~70.0~~	~~56.0~~	~~4.5~~	~~Reserved~~

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(Source: Repealed at 35 Ill. Reg. 5552, effective March 18, 2011)

Section 240.TABLE C Vehicle Exhaust Emission Fast-Pass Standards (Repealed)

~~a) Vehicles having composite hydrocarbon emission limitations of less than 1.25 grams per mile, in Section 240.Table A or Section 240.Table B, shall use the hydrocarbon fast-pass standards contained in this subsection. Vehicles having composite carbon monoxide emission limitations of less than 20.0 grams per mile, in Section 240.Table A or Section 240.Table B, shall use the carbon monoxide fast-pass standards contained in this subsection:~~

	~~Hydrocarbons~~		~~Carbon Monoxide~~	
~~Second~~	~~Composite~~	~~Phase 2~~	~~Composite~~	~~Phase 2~~
~~30~~	~~0.124~~	~~N/A~~	~~0.693~~	~~N/A~~
~~31~~	~~0.126~~	~~N/A~~	~~0.773~~	~~N/A~~
~~32~~	~~0.129~~	~~N/A~~	~~0.837~~	~~N/A~~
~~33~~	~~0.135~~	~~N/A~~	~~0.851~~	~~N/A~~
~~34~~	~~0.140~~	~~N/A~~	~~0.853~~	~~N/A~~
~~35~~	~~0.146~~	~~N/A~~	~~0.857~~	~~N/A~~
~~36~~	~~0.150~~	~~N/A~~	~~0.900~~	~~N/A~~
~~37~~	~~0.153~~	~~N/A~~	~~0.960~~	~~N/A~~
~~38~~	~~0.156~~	~~N/A~~	~~1.034~~	~~N/A~~
~~39~~	~~0.160~~	~~N/A~~	~~1.070~~	~~N/A~~
~~40~~	~~0.165~~	~~N/A~~	~~1.076~~	~~N/A~~
~~41~~	~~0.169~~	~~N/A~~	~~1.083~~	~~N/A~~
~~42~~	~~0.172~~	~~N/A~~	~~1.102~~	~~N/A~~
~~43~~	~~0.173~~	~~N/A~~	~~1.111~~	~~N/A~~
~~44~~	~~0.177~~	~~N/A~~	~~1.114~~	~~N/A~~
~~45~~	~~0.197~~	~~N/A~~	~~1.157~~	~~N/A~~
~~46~~	~~0.200~~	~~N/A~~	~~1.344~~	~~N/A~~
~~47~~	~~0.208~~	~~N/A~~	~~1.482~~	~~N/A~~
~~48~~	~~0.221~~	~~N/A~~	~~1.530~~	~~N/A~~
~~49~~	~~0.232~~	~~N/A~~	~~1.542~~	~~N/A~~
~~50~~	~~0.235~~	~~N/A~~	~~1.553~~	~~N/A~~
~~51~~	~~0.238~~	~~N/A~~	~~1.571~~	~~N/A~~
~~52~~	~~0.240~~	~~N/A~~	~~1.595~~	~~N/A~~
~~53~~	~~0.242~~	~~N/A~~	~~1.633~~	~~N/A~~
~~54~~	~~0.246~~	~~N/A~~	~~1.685~~	~~N/A~~
~~55~~	~~0.249~~	~~N/A~~	~~1.689~~	~~N/A~~
~~56~~	~~0.252~~	~~N/A~~	~~1.693~~	~~N/A~~
~~57~~	~~0.261~~	~~N/A~~	~~1.700~~	~~N/A~~

~~58~~	~~0.271~~	~~N/A~~	~~1.723~~	~~N/A~~
~~59~~	~~0.276~~	~~N/A~~	~~1.852~~	~~N/A~~
~~60~~	~~0.278~~	~~N/A~~	~~1.872~~	~~N/A~~
~~61~~	~~0.280~~	~~N/A~~	~~1.872~~	~~N/A~~
~~62~~	~~0.282~~	~~N/A~~	~~1.872~~	~~N/A~~
~~63~~	~~0.283~~	~~N/A~~	~~1.900~~	~~N/A~~
~~64~~	~~0.284~~	~~N/A~~	~~1.917~~	~~N/A~~
~~65~~	~~0.285~~	~~N/A~~	~~1.944~~	~~N/A~~
~~66~~	~~0.286~~	~~N/A~~	~~2.000~~	~~N/A~~
~~67~~	~~0.288~~	~~N/A~~	~~2.060~~	~~N/A~~
~~68~~	~~0.291~~	~~N/A~~	~~2.064~~	~~N/A~~
~~69~~	~~0.294~~	~~N/A~~	~~2.076~~	~~N/A~~
~~70~~	~~0.296~~	~~N/A~~	~~2.104~~	~~N/A~~
~~71~~	~~0.298~~	~~N/A~~	~~2.117~~	~~N/A~~
~~72~~	~~0.300~~	~~N/A~~	~~2.125~~	~~N/A~~
~~73~~	~~0.302~~	~~N/A~~	~~2.130~~	~~N/A~~
~~74~~	~~0.304~~	~~N/A~~	~~2.138~~	~~N/A~~
~~75~~	~~0.307~~	~~N/A~~	~~2.152~~	~~N/A~~
~~76~~	~~0.308~~	~~N/A~~	~~2.170~~	~~N/A~~
~~77~~	~~0.308~~	~~N/A~~	~~2.188~~	~~N/A~~
~~78~~	~~0.308~~	~~N/A~~	~~2.200~~	~~N/A~~
~~79~~	~~0.314~~	~~N/A~~	~~2.212~~	~~N/A~~
~~80~~	~~0.320~~	~~N/A~~	~~2.212~~	~~N/A~~
~~81~~	~~0.324~~	~~N/A~~	~~2.221~~	~~N/A~~
~~82~~	~~0.327~~	~~N/A~~	~~2.222~~	~~N/A~~
~~83~~	~~0.329~~	~~N/A~~	~~2.227~~	~~N/A~~
~~84~~	~~0.333~~	~~N/A~~	~~2.236~~	~~N/A~~
~~85~~	~~0.336~~	~~N/A~~	~~2.243~~	~~N/A~~
~~86~~	~~0.339~~	~~N/A~~	~~2.262~~	~~N/A~~
~~87~~	~~0.343~~	~~N/A~~	~~2.271~~	~~N/A~~
~~88~~	~~0.347~~	~~N/A~~	~~2.284~~	~~N/A~~
~~89~~	~~0.350~~	~~N/A~~	~~2.299~~	~~N/A~~
~~90~~	~~0.356~~	~~N/A~~	~~2.308~~	~~N/A~~
~~91~~	~~0.358~~	~~N/A~~	~~2.326~~	~~N/A~~
~~92~~	~~0.360~~	~~N/A~~	~~2.330~~	~~N/A~~
~~93~~	~~0.363~~	~~N/A~~	~~2.331~~	~~N/A~~
~~94~~	~~0.367~~	~~N/A~~	~~2.344~~	~~N/A~~
~~95~~	~~0.370~~	~~N/A~~	~~2.347~~	~~N/A~~
~~96~~	~~0.372~~	~~N/A~~	~~2.355~~	~~N/A~~

~~97~~	~~0.376~~	~~N/A~~	~~2.395~~	~~N/A~~
~~98~~	~~0.388~~	~~N/A~~	~~2.451~~	~~N/A~~
~~99~~	~~0.396~~	~~N/A~~	~~2.508~~	~~N/A~~
~~100~~	~~0.405~~	~~N/A~~	~~2.590~~	~~N/A~~
~~101~~	~~0.410~~	~~N/A~~	~~2.660~~	~~N/A~~
~~102~~	~~0.411~~	~~N/A~~	~~2.749~~	~~N/A~~
~~103~~	~~0.412~~	~~N/A~~	~~2.913~~	~~N/A~~
~~104~~	~~0.413~~	~~N/A~~	~~3.162~~	~~N/A~~
~~105~~	~~0.421~~	~~N/A~~	~~3.170~~	~~N/A~~
~~106~~	~~0.428~~	~~N/A~~	~~3.197~~	~~N/A~~
~~107~~	~~0.430~~	~~N/A~~	~~3.288~~	~~N/A~~
~~108~~	~~0.455~~	~~N/A~~	~~3/419~~	~~N/A~~
~~109~~	~~0.459~~	~~0.015~~	~~3.587~~	~~0.168~~
~~110~~	~~0.462~~	~~0.017~~	~~3.595~~	~~0.173~~
~~111~~	~~0.464~~	~~0.021~~	~~3.640~~	~~0.237~~
~~112~~	~~0.466~~	~~0.024~~	~~3.740~~	~~0.266~~
~~113~~	~~0.468~~	~~0.024~~	~~3.868~~	~~0.280~~
~~114~~	~~0.471~~	~~0.025~~	~~3.877~~	~~0.291~~
~~115~~	~~0.488~~	~~0.026~~	~~3.934~~	~~0.314~~
~~116~~	~~0.513~~	~~0.029~~	~~4.015~~	~~0.331~~
~~117~~	~~0.538~~	~~0.032~~	~~4.061~~	~~0.350~~
~~119~~	~~0.577~~	~~0.035~~	~~4.079~~	~~0.356~~
~~120~~	~~0.580~~	~~0.036~~	~~4.140~~	~~0.367~~
~~121~~	~~0.586~~	~~0.038~~	~~4.185~~	~~0.388~~
~~122~~	~~0.594~~	~~0.040~~	~~4.199~~	~~0.407~~
~~123~~	~~0.603~~	~~0.041~~	~~4.205~~	~~0.463~~
~~124~~	~~0.610~~	~~0.042~~	~~4.212~~	~~0.480~~
~~125~~	~~0.615~~	~~0.042~~	~~4.323~~	~~0.506~~
~~126~~	~~0.624~~	~~0.042~~	~~4.298~~	~~0.518~~
~~127~~	~~0.628~~	~~0.045~~	~~4.344~~	~~0.522~~
~~128~~	~~0.632~~	~~0.046~~	~~4.361~~	~~0.525~~
~~129~~	~~0.637~~	~~0.046~~	~~4.366~~	~~0.528~~
~~130~~	~~0.641~~	~~0.049~~	~~4.369~~	~~0.530~~
~~131~~	~~0.643~~	~~0.050~~	~~4.372~~	~~0.530~~
~~132~~	~~0.644~~	~~0.052~~	~~4.435~~	~~0.534~~
~~133~~	~~0.645~~	~~0.054~~	~~4.523~~	~~0.550~~
~~134~~	~~0.647~~	~~0.054~~	~~4.524~~	~~0.544~~
~~135~~	~~0.651~~	~~0.054~~	~~4.525~~	~~0.590~~
~~136~~	~~0.658~~	~~0.055~~	~~4.531~~	~~0.616~~

~~137~~	~~0.663~~	~~0.055~~	~~4.534~~	~~0.639~~
~~138~~	~~0.666~~	~~0.056~~	~~4.542~~	~~0.653~~
~~139~~	~~0.668~~	~~0.059~~	~~4.553~~	~~0.662~~
~~140~~	~~0.670~~	~~0.061~~	~~4.554~~	~~0.683~~
~~141~~	~~0.672~~	~~0.061~~	~~4.554~~	~~0.696~~
~~142~~	~~0.675~~	~~0.061~~	~~4.554~~	~~0.708~~
~~143~~	~~0.678~~	~~0.063~~	~~4.554~~	~~0.721~~
~~144~~	~~0.681~~	~~0.064~~	~~4.554~~	~~0.739~~
~~145~~	~~0.684~~	~~0.065~~	~~4.554~~	~~0.742~~
~~146~~	~~0.686~~	~~0.066~~	~~4.554~~	~~0.743~~
~~147~~	~~0.688~~	~~0.067~~	~~4.554~~	~~0.745~~
~~148~~	~~0.690~~	~~0.068~~	~~4.554~~	~~0.748~~
~~149~~	~~0.692~~	~~0.069~~	~~4.554~~	~~0.751~~
~~150~~	~~0.694~~	~~0.070~~	~~4.554~~	~~0.762~~
~~151~~	~~0.696~~	~~0.071~~	~~4.556~~	~~0.789~~
~~152~~	~~0.698~~	~~0.072~~	~~4.556~~	~~0.790~~
~~153~~	~~0.700~~	~~0.073~~	~~4.565~~	~~0.794~~
~~154~~	~~0.702~~	~~0.073~~	~~4.612~~	~~0.799~~
~~155~~	~~0.704~~	~~0.074~~	~~4.834~~	~~0.805~~
~~156~~	~~0.706~~	~~0.077~~	~~5.702~~	~~0.842~~
~~157~~	~~0.708~~	~~0.079~~	~~5.841~~	~~0.990~~
~~158~~	~~0.710~~	~~0.082~~	~~6.170~~	~~1.038~~
~~159~~	~~0.712~~	~~0.082~~	~~6.670~~	~~1.357~~
~~160~~	~~0.716~~	~~0.086~~	~~7.425~~	~~1.455~~
~~161~~	~~0.750~~	~~0.095~~	~~8.379~~	~~1.546~~
~~162~~	~~0.784~~	~~0.107~~	~~9.648~~	~~1.824~~
~~163~~	~~0.805~~	~~0.115~~	~~10.918~~	~~2.746~~
~~164~~	~~0.840~~	~~0.122~~	~~12.157~~	~~3.073~~
~~165~~	~~0.853~~	~~0.127~~	~~12.731~~	~~3.633~~
~~166~~	~~0.874~~	~~0.159~~	~~12.831~~	~~4.505~~
~~167~~	~~0.903~~	~~0.186~~	~~12.892~~	~~4.952~~
~~168~~	~~0.910~~	~~0.189~~	~~12.932~~	~~5.254~~
~~169~~	~~0.914~~	~~0.200~~	~~13.702~~	~~5.730~~
~~170~~	~~0.916~~	~~0.220~~	~~14.139~~	~~6.051~~
~~171~~	~~0.919~~	~~0.236~~	~~14.964~~	~~6.333~~
~~172~~	~~0.931~~	~~0.247~~	~~15.704~~	~~6.490~~
~~173~~	~~0.948~~	~~0.257~~	~~16.253~~	~~6.796~~
~~174~~	~~0.983~~	~~0.267~~	~~16.907~~	~~7.205~~
~~175~~	~~1.018~~	~~0.283~~	~~17.655~~	~~8.151~~

~~176~~	~~1.027~~	~~0.295~~	~~18.020~~	~~8.230~~
~~177~~	~~1.035~~	~~0.312~~	~~18.349~~	~~8.584~~
~~178~~	~~1.051~~	~~0.318~~	~~18.671~~	~~8.800~~
~~179~~	~~1.074~~	~~0.323~~	~~18.972~~	~~8.847~~
~~180~~	~~1.084~~	~~0.337~~	~~19.228~~	~~8.913~~
~~181~~	~~1.099~~	~~0.345~~	~~20.123~~	~~9.122~~
~~182~~	~~1.121~~	~~0.350~~	~~20.405~~	~~9.532~~
~~183~~	~~1.132~~	~~0.359~~	~~20.754~~	~~10.256~~
~~184~~	~~1.152~~	~~0.387~~	~~21.684~~	~~10.862~~
~~185~~	~~1.161~~	~~0.398~~	~~21.955~~	~~10.996~~
~~186~~	~~1.168~~	~~0.400~~	~~22.650~~	~~11.206~~
~~187~~	~~1.175~~	~~0.402~~	~~22.989~~	~~11.514~~
~~188~~	~~1.181~~	~~0.405~~	~~23.535~~	~~11.894~~
~~189~~	~~1.188~~	~~0.418~~	~~23.876~~	~~12.019~~
~~190~~	~~1.203~~	~~0.429~~	~~24.018~~	~~12.170~~
~~191~~	~~1.219~~	~~0.442~~	~~24.464~~	~~12.517~~
~~192~~	~~1.233~~	~~0.457~~	~~24.685~~	~~12.598~~
~~193~~	~~1.251~~	~~0.473~~	~~24.931~~	~~12.625~~
~~194~~	~~1.255~~	~~0.487~~	~~25.188~~	~~12.653~~
~~195~~	~~1.258~~	~~0.501~~	~~25.468~~	~~12.777~~
~~196~~	~~1.265~~	~~0.510~~	~~25.627~~	~~12.906~~
~~197~~	~~1.280~~	~~0.512~~	~~25.746~~	~~12.989~~
~~198~~	~~1.293~~	~~0.514~~	~~25.850~~	~~13.060~~
~~199~~	~~1.301~~	~~0.516~~	~~26.974~~	~~13.165~~
~~200~~	~~1.313~~	~~0.518~~	~~26.141~~	~~13.242~~
~~201~~	~~1.324~~	~~0.527~~	~~26.225~~	~~13.412~~
~~202~~	~~1.332~~	~~0.540~~	~~26.338~~	~~13.662~~
~~203~~	~~1.341~~	~~0.547~~	~~26.547~~	~~13.773~~
~~204~~	~~1.357~~	~~0.553~~	~~26.818~~	~~13.942~~
~~205~~	~~1.35~~	~~0.559~~	~~27.052~~	~~14.090~~
~~206~~	~~1.392~~	~~0.563~~	~~27.393~~	~~14.224~~
~~207~~	~~1.408~~	~~0.567~~	~~27.501~~	~~14.426~~
~~208~~	~~1.422~~	~~0.571~~	~~27.632~~	~~14.498~~
~~209~~	~~1.433~~	~~0.575~~	~~27.803~~	~~14.776~~
~~210~~	~~1.443~~	~~0.579~~	~~27.953~~	~~14.907~~
~~211~~	~~1.453~~	~~0.595~~	~~28.205~~	~~14.916~~
~~212~~	~~1.463~~	~~0.605~~	~~28.543~~	~~15.014~~
~~213~~	~~1.468~~	~~0.614~~	~~28.997~~	~~15.221~~
~~214~~	~~1.470~~	~~0.622~~	~~29.000~~	~~15.472~~

~~215~~	~~1.474~~	~~0.627~~	~~29.005~~	~~15.555~~
~~216~~	~~1.478~~	~~0.638~~	~~29.081~~	~~15.652~~
~~217~~	~~1.481~~	~~0.643~~	~~29.281~~	~~15.969~~
~~218~~	~~1.484~~	~~0.643~~	~~29.483~~	~~16.028~~
~~219~~	~~1.487~~	~~0.645~~	~~29.734~~	~~16.375~~
~~220~~	~~1.490~~	~~0.651~~	~~29.803~~	~~16.487~~
~~221~~	~~1.493~~	~~0.655~~	~~29.821~~	~~16.524~~
~~222~~	~~1.504~~	~~0.663~~	~~29.847~~	~~16.578~~
~~223~~	~~1.522~~	~~0.671~~	~~29.862~~	~~16.684~~
~~224~~	~~1.547~~	~~0.675~~	~~29.873~~	~~16.755~~
~~225~~	~~1.549~~	~~0.684~~	~~30.008~~	~~16.770~~
~~226~~	~~1.562~~	~~0.694~~	~~30.126~~	~~16.805~~
~~227~~	~~1.574~~	~~0.701~~	~~30.127~~	~~16.865~~
~~228~~	~~1.579~~	~~0.702~~	~~30.127~~	~~16.960~~
~~229~~	~~1.584~~	~~0.708~~	~~30.208~~	~~16.960~~
~~230~~	~~1.589~~	~~0.708~~	~~30.314~~	~~16.962~~
~~231~~	~~1.590~~	~~0.709~~	~~30.323~~	~~16.988~~
~~232~~	~~1.596~~	~~0.710~~	~~30.325~~	~~17.072~~
~~233~~	~~1.598~~	~~0.710~~	~~30.368~~	~~17.094~~
~~234~~	~~1.604~~	~~0.711~~	~~30.411~~	~~17.184~~
~~235~~	~~1.610~~	~~0.712~~	~~30.416~~	~~17.187~~
~~236~~	~~1.612~~	~~0.712~~	~~30.428~~	~~17.188~~
~~237~~	~~1.613~~	~~0.712~~	~~30.430~~	~~17.189~~
~~238~~	~~1.614~~	~~0.713~~	~~30.452~~	~~17.241~~
~~239~~	~~1.615~~	~~0.716~~	~~30.488~~	~~17.370~~

~~b)~~ ~~Vehicles having composite hydrocarbon emission limitations of at least 1.25 grams per mile but less than 2.00 grams per mile, in Section 240.Table A or Section 240.Table B, shall use the hydrocarbon fast-pass standards contained in this subsection. Vehicles having composite carbon monoxide emission limitations of at least 20.0 grams per mile but less than 30.0 grams per mile, in Section 240.Table A or Section 240.Table B, shall use the carbon monoxide fast-pass standards contained in this subsection:~~

	~~Hydrocarbons~~		~~Carbon Monoxide~~	
~~Second~~	~~Composite~~	~~Phase 2~~	~~Composite~~	~~Phase 2~~
~~30~~	~~0.247~~	~~N/A~~	~~1.502~~	~~N/A~~
~~31~~	~~0.253~~	~~N/A~~	~~1.546~~	~~N/A~~
~~32~~	~~0.258~~	~~N/A~~	~~1.568~~	~~N/A~~

~~33~~	~~0.263~~	~~N/A~~	~~1.582~~	~~N/A~~
~~34~~	~~0.268~~	~~N/A~~	~~1.593~~	~~N/A~~
~~35~~	~~0.277~~	~~N/A~~	~~1.602~~	~~N/A~~
~~36~~	~~0.283~~	~~N/A~~	~~1.621~~	~~N/A~~
~~37~~	~~0.293~~	~~N/A~~	~~1.631~~	~~N/A~~
~~38~~	~~0.297~~	~~N/A~~	~~1.702~~	~~N/A~~
~~39~~	~~0.298~~	~~N/A~~	~~1.784~~	~~N/A~~
~~40~~	~~0.313~~	~~N/A~~	~~1.879~~	~~N/A~~
~~41~~	~~0.320~~	~~N/A~~	~~2.162~~	~~N/A~~
~~42~~	~~0.327~~	~~N/A~~	~~2.307~~	~~N/A~~
~~43~~	~~0.342~~	~~N/A~~	~~2.343~~	~~N/A~~
~~44~~	~~0.360~~	~~N/A~~	~~2.376~~	~~N/A~~
~~45~~	~~0.376~~	~~N/A~~	~~2.406~~	~~N/A~~
~~46~~	~~0.389~~	~~N/A~~	~~2.433~~	~~N/A~~
~~47~~	~~0.408~~	~~N/A~~	~~2.458~~	~~N/A~~
~~48~~	~~0.423~~	~~N/A~~	~~2.483~~	~~N/A~~
~~49~~	~~0.434~~	~~N/A~~	~~2.774~~	~~N/A~~
~~50~~	~~0.444~~	~~N/A~~	~~2.844~~	~~N/A~~
~~51~~	~~0.454~~	~~N/A~~	~~2.900~~	~~N/A~~
~~52~~	~~0.465~~	~~N/A~~	~~2.936~~	~~N/A~~
~~53~~	~~0.472~~	~~N/A~~	~~3.133~~	~~N/A~~
~~54~~	~~0.478~~	~~N/A~~	~~3.304~~	~~N/A~~
~~55~~	~~0.485~~	~~N/A~~	~~3.407~~	~~N/A~~
~~56~~	~~0.493~~	~~N/A~~	~~3.456~~	~~N/A~~
~~57~~	~~0.500~~	~~N/A~~	~~3.480~~	~~N/A~~
~~58~~	~~0.505~~	~~N/A~~	~~3.518~~	~~N/A~~
~~59~~	~~0.514~~	~~N/A~~	~~3.560~~	~~N/A~~
~~60~~	~~0.537~~	~~N/A~~	~~3.593~~	~~N/A~~
~~61~~	~~0.540~~	~~N/A~~	~~3.628~~	~~N/A~~
~~62~~	~~0.543~~	~~N/A~~	~~3.641~~	~~N/A~~
~~63~~	~~0.546~~	~~N/A~~	~~3.655~~	~~N/A~~
~~64~~	~~0.551~~	~~N/A~~	~~3.680~~	~~N/A~~
~~65~~	~~0.559~~	~~N/A~~	~~3.700~~	~~N/A~~
~~66~~	~~0.567~~	~~N/A~~	~~3.728~~	~~N/A~~
~~67~~	~~0.575~~	~~N/A~~	~~3.857~~	~~N/A~~
~~68~~	~~0.588~~	~~N/A~~	~~3.894~~	~~N/A~~
~~69~~	~~0.595~~	~~N/A~~	~~3.943~~	~~N/A~~
~~70~~	~~0.601~~	~~N/A~~	~~3.983~~	~~N/A~~
~~71~~	~~0.606~~	~~N/A~~	~~4.009~~	~~N/A~~

~~72~~	~~0.610~~	~~N/A~~	~~4.023~~	~~N/A~~
~~73~~	~~0.617~~	~~N/A~~	~~4.023~~	~~N/A~~
~~74~~	~~0.631~~	~~N/A~~	~~4.053~~	~~N/A~~
~~75~~	~~0.643~~	~~N/A~~	~~4.063~~	~~N/A~~
~~76~~	~~0.651~~	~~N/A~~	~~4.077~~	~~N/A~~
~~77~~	~~0.659~~	~~N/A~~	~~4.225~~	~~N/A~~
~~78~~	~~0.667~~	~~N/A~~	~~4.243~~	~~N/A~~
~~79~~	~~0.676~~	~~N/A~~	~~4.260~~	~~N/A~~
~~80~~	~~0.681~~	~~N/A~~	~~4.282~~	~~N/A~~
~~81~~	~~0.685~~	~~N/A~~	~~4.322~~	~~N/A~~
~~82~~	~~0.689~~	~~N/A~~	~~4.398~~	~~N/A~~
~~83~~	~~0.694~~	~~N/A~~	~~4.482~~	~~N/A~~
~~84~~	~~0.700~~	~~N/A~~	~~4.515~~	~~N/A~~
~~85~~	~~0.705~~	~~N/A~~	~~4.518~~	~~N/A~~
~~86~~	~~0.709~~	~~N/A~~	~~4.520~~	~~N/A~~
~~87~~	~~0.713~~	~~N/A~~	~~4.522~~	~~N/A~~
~~88~~	~~0.717~~	~~N/A~~	~~4.522~~	~~N/A~~
~~89~~	~~0.721~~	~~N/A~~	~~4.523~~	~~N/A~~
~~90~~	~~0.724~~	~~N/A~~	~~4.526~~	~~N/A~~
~~91~~	~~0.727~~	~~N/A~~	~~4.527~~	~~N/A~~
~~92~~	~~0.729~~	~~N/A~~	~~4.527~~	~~N/A~~
~~93~~	~~0.731~~	~~N/A~~	~~4.528~~	~~N/A~~
~~94~~	~~0.734~~	~~N/A~~	~~4.528~~	~~N/A~~
~~95~~	~~0.740~~	~~N/A~~	~~4.528~~	~~N/A~~
~~96~~	~~0.748~~	~~N/A~~	~~4.529~~	~~N/A~~
~~97~~	~~0.759~~	~~N/A~~	~~4.575~~	~~N/A~~
~~98~~	~~0.771~~	~~N/A~~	~~4.703~~	~~N/A~~
~~99~~	~~0.783~~	~~N/A~~	~~4.805~~	~~N/A~~
~~100~~	~~0.793~~	~~N/A~~	~~4.886~~	~~N/A~~
~~101~~	~~0.810~~	~~N/A~~	~~4.957~~	~~N/A~~
~~102~~	~~0.823~~	~~N/A~~	~~5.104~~	~~N/A~~
~~103~~	~~0.836~~	~~N/A~~	~~5.340~~	~~N/A~~
~~104~~	~~0.853~~	~~N/A~~	~~5.496~~	~~N/A~~
~~105~~	~~0.871~~	~~N/A~~	~~5.625~~	~~N/A~~
~~106~~	~~0.887~~	~~N/A~~	~~5.815~~	~~N/A~~
~~107~~	~~0.899~~	~~N/A~~	~~6.473~~	~~N/A~~
~~108~~	~~0.931~~	~~N/A~~	~~7.037~~	~~N/A~~
~~109~~	~~0.947~~	~~0.040~~	~~7.419~~	~~0.246~~
~~110~~	~~0.957~~	~~0.047~~	~~7.643~~	~~0.257~~

~~111~~	~~0.965~~	~~0.052~~	~~7.759~~	~~0.286~~
~~112~~	~~0.971~~	~~0.056~~	~~7.824~~	~~0.379~~
~~113~~	~~0.977~~	~~0.061~~	~~7.889~~	~~0.425~~
~~114~~	~~0.983~~	~~0.064~~	~~7.960~~	~~0.457~~
~~115~~	~~1.003~~	~~0.072~~	~~8.024~~	~~0.477~~
~~116~~	~~1.030~~	~~0.081~~	~~8.076~~	~~0.494~~
~~117~~	~~1.041~~	~~0.082~~	~~8.111~~	~~0.504~~
~~118~~	~~1.050~~	~~0.083~~	~~8.130~~	~~0.512~~
~~119~~	~~1.052~~	~~0.092~~	~~8.148~~	~~0.519~~
~~120~~	~~1.055~~	~~0.094~~	~~8.211~~	~~0.529~~
~~121~~	~~1.061~~	~~0.097~~	~~8.478~~	~~0.529~~
~~122~~	~~1.071~~	~~0.100~~	~~8.548~~	~~0.530~~
~~123~~	~~1.081~~	~~0.103~~	~~8.561~~	~~0.531~~
~~124~~	~~1.091~~	~~0.106~~	~~8.568~~	~~0.532~~
~~125~~	~~1.102~~	~~0.108~~	~~8.572~~	~~0.533~~
~~126~~	~~1.110~~	~~0.110~~	~~8.584~~	~~0.548~~
~~127~~	~~1.116~~	~~0.112~~	~~8.592~~	~~0.610~~
~~128~~	~~1.121~~	~~0.114~~	~~8.596~~	~~0.614~~
~~129~~	~~1.125~~	~~0.116~~	~~8.597~~	~~0.622~~
~~130~~	~~1.128~~	~~0.118~~	~~8.601~~	~~0.631~~
~~131~~	~~1.130~~	~~0.120~~	~~8.605~~	~~0.640~~
~~132~~	~~1.132~~	~~0.122~~	~~8.608~~	~~0.646~~
~~133~~	~~1.134~~	~~0.123~~	~~8.626~~	~~0.650~~
~~134~~	~~1.135~~	~~0.124~~	~~8.650~~	~~0.652~~
~~135~~	~~1.143~~	~~0.127~~	~~8.660~~	~~0.738~~
~~136~~	~~1.147~~	~~0.130~~	~~8.767~~	~~0.754~~
~~137~~	~~1.156~~	~~0.134~~	~~9.029~~	~~0.780~~
~~138~~	~~1.163~~	~~0.139~~	~~9.238~~	~~0.795~~
~~139~~	~~1.816~~	~~0.146~~	~~9.389~~	~~0.804~~
~~140~~	~~1.253~~	~~0.149~~	~~9.493~~	~~0.810~~
~~141~~	~~1.262~~	~~0.151~~	~~9.583~~	~~0.815~~
~~142~~	~~1.271~~	~~0.153~~	~~9.626~~	~~0.818~~
~~143~~	~~1.277~~	~~0.155~~	~~9.669~~	~~0.821~~
~~144~~	~~1.283~~	~~0.157~~	~~9.716~~	~~0.825~~
~~145~~	~~1.291~~	~~0.162~~	~~9.763~~	~~0.840~~
~~146~~	~~1.294~~	~~0.164~~	~~9.809~~	~~0.847~~
~~147~~	~~1.296~~	~~0.166~~	~~9.852~~	~~0.855~~
~~148~~	~~1.298~~	~~0.168~~	~~9.885~~	~~0.865~~
~~149~~	~~1.303~~	~~0.169~~	~~9.932~~	~~0.874~~

~~150~~	~~1.316~~	~~0.170~~	~~9.986~~	~~0.891~~
~~151~~	~~1.330~~	~~0.171~~	~~10.039~~	~~0.914~~
~~152~~	~~1.342~~	~~0.172~~	~~10.072~~	~~0.929~~
~~153~~	~~1.348~~	~~0.173~~	~~10.090~~	~~0.937~~
~~154~~	~~1.353~~	~~0.175~~	~~10.105~~	~~0.942~~
~~155~~	~~1.362~~	~~0.178~~	~~10.146~~	~~0.949~~
~~156~~	~~1.365~~	~~0.180~~	~~10.245~~	~~1.375~~
~~157~~	~~1.366~~	~~0.189~~	~~10.397~~	~~1.576~~
~~158~~	~~1.373~~	~~0.198~~	~~10.923~~	~~1.943~~
~~159~~	~~1.397~~	~~0.203~~	~~11.970~~	~~2.820~~
~~160~~	~~1.422~~	~~0.207~~	~~13.421~~	~~3.281~~
~~161~~	~~1.440~~	~~0.214~~	~~15.289~~	~~3.482~~
~~162~~	~~1.452~~	~~0.221~~	~~15.912~~	~~3.620~~
~~163~~	~~1.465~~	~~0.229~~	~~16.530~~	~~4.168~~
~~164~~	~~1.509~~	~~0.247~~	~~17.622~~	~~4.338~~
~~165~~	~~1.533~~	~~0.274~~	~~18.366~~	~~4.682~~
~~166~~	~~1.555~~	~~0.309~~	~~19.869~~	~~5.633~~
~~167~~	~~1.576~~	~~0.318~~	~~20.711~~	~~6.137~~
~~168~~	~~1.598~~	~~0.322~~	~~22.319~~	~~6.853~~
~~169~~	~~1.618~~	~~0.333~~	~~23.751~~	~~7.136~~
~~170~~	~~1.636~~	~~0.343~~	~~24.842~~	~~7.320~~
~~171~~	~~1.666~~	~~0.356~~	~~25.410~~	~~7.685~~
~~172~~	~~1.685~~	~~0.385~~	~~25.798~~	~~8.052~~
~~173~~	~~1.726~~	~~0.409~~	~~26.122~~	~~8.344~~
~~174~~	~~1.742~~	~~0.433~~	~~26.353~~	~~8.602~~
~~175~~	~~1.756~~	~~0.453~~	~~26.638~~	~~8.898~~
~~176~~	~~1.769~~	~~0.463~~	~~27.219~~	~~9.251~~
~~177~~	~~1.784~~	~~0.507~~	~~27.279~~	~~10.253~~
~~178~~	~~1.802~~	~~0.523~~	~~27.320~~	~~10.828~~
~~179~~	~~1.822~~	~~0.528~~	~~27.352~~	~~10.933~~
~~180~~	~~1.843~~	~~0.541~~	~~28.822~~	~~11.060~~
~~181~~	~~1.864~~	~~0.549~~	~~28.763~~	~~11.188~~
~~182~~	~~1.884~~	~~0.559~~	~~29.402~~	~~11.345~~
~~183~~	~~1.896~~	~~0.571~~	~~29.971~~	~~11.733~~
~~184~~	~~1.915~~	~~0.584~~	~~30.276~~	~~12.598~~
~~185~~	~~1.940~~	~~0.598~~	~~30.988~~	~~12.953~~
~~186~~	~~1.958~~	~~0.613~~	~~31.095~~	~~13.213~~
~~187~~	~~1.972~~	~~0.624~~	~~31.314~~	~~14.131~~
~~188~~	~~1.985~~	~~0.629~~	~~31.833~~	~~14.839~~

~~189~~	~~1.991~~	~~0.629~~	~~32.239~~	~~15.137~~
~~190~~	~~1.993~~	~~0.638~~	~~32.547~~	~~15.138~~
~~191~~	~~1.995~~	~~0.648~~	~~32.855~~	~~15.141~~
~~192~~	~~2.001~~	~~0.659~~	~~33.153~~	~~15.595~~
~~193~~	~~2.015~~	~~0.663~~	~~33.444~~	~~15.658~~
~~194~~	~~2.031~~	~~0.671~~	~~33.482~~	~~15.704~~
~~195~~	~~2.047~~	~~0.681~~	~~33.516~~	~~15.729~~
~~196~~	~~2.063~~	~~0.693~~	~~33.549~~	~~16.058~~
~~197~~	~~2.079~~	~~0.709~~	~~33.653~~	~~16.987~~
~~198~~	~~2.094~~	~~0.725~~	~~33.973~~	~~17.064~~
~~199~~	~~2.109~~	~~0.740~~	~~34.159~~	~~17.073~~
~~200~~	~~2.122~~	~~0.754~~	~~34.191~~	~~17.153~~
~~201~~	~~2.130~~	~~0.767~~	~~34.250~~	~~17.332~~
~~202~~	~~2.137~~	~~0.775~~	~~34.469~~	~~17.406~~
~~203~~	~~2.157~~	~~0.787~~	~~34.716~~	~~17.641~~
~~204~~	~~2.172~~	~~0.795~~	~~34.969~~	~~17.922~~
~~205~~	~~2.194~~	~~0.803~~	~~35.144~~	~~18.484~~
~~206~~	~~2.222~~	~~0.854~~	~~35.418~~	~~18.553~~
~~207~~	~~2.245~~	~~0.859~~	~~35.766~~	~~18.658~~
~~208~~	~~2.268~~	~~0.872~~	~~35.949~~	~~18.953~~
~~209~~	~~2.279~~	~~0.892~~	~~36.010~~	~~19.266~~
~~210~~	~~2.288~~	~~0.896~~	~~36.548~~	~~19.309~~
~~211~~	~~2.301~~	~~0.903~~	~~37.179~~	~~19.731~~
~~212~~	~~2.316~~	~~0.924~~	~~37.651~~	~~19.902~~
~~213~~	~~2.332~~	~~0.938~~	~~38.041~~	~~20.012~~
~~214~~	~~2.345~~	~~0.941~~	~~38.591~~	~~20.260~~
~~215~~	~~2.354~~	~~0.951~~	~~38.852~~	~~20.739~~
~~216~~	~~2.362~~	~~0.966~~	~~38.861~~	~~21.346~~
~~217~~	~~2.368~~	~~0.979~~	~~38.926~~	~~21.810~~
~~218~~	~~2.376~~	~~0.980~~	~~39.194~~	~~22.001~~
~~219~~	~~2.384~~	~~0.981~~	~~39.474~~	~~22.290~~
~~220~~	~~2.391~~	~~1.005~~	~~39.668~~	~~22.324~~
~~221~~	~~2.395~~	~~1.016~~	~~39.781~~	~~22.343~~
~~222~~	~~2.400~~	~~1.022~~	~~39.890~~	~~22.522~~
~~223~~	~~2.405~~	~~1.028~~	~~39.954~~	~~22.661~~
~~224~~	~~2.409~~	~~1.035~~	~~39.984~~	~~22.666~~
~~225~~	~~2.413~~	~~1.041~~	~~39.989~~	~~22.667~~
~~226~~	~~2.415~~	~~1.045~~	~~39.990~~	~~22.668~~
~~227~~	~~2.417~~	~~1.051~~	~~39.990~~	~~22.669~~

~~228~~	~~2.419~~	~~1.055~~	~~39.990~~	~~22.670~~
~~229~~	~~2.420~~	~~1.059~~	~~39.991~~	~~22.671~~
~~230~~	~~2.421~~	~~1.062~~	~~40.012~~	~~22.671~~
~~231~~	~~2.423~~	~~1.063~~	~~40.061~~	~~22.672~~
~~232~~	~~2.425~~	~~1.063~~	~~40.116~~	~~22.673~~
~~233~~	~~2.427~~	~~1.063~~	~~40.249~~	~~22.673~~
~~234~~	~~2.429~~	~~1.064~~	~~40.253~~	~~22.673~~
~~235~~	~~2.430~~	~~1.064~~	~~40.290~~	~~22.674~~
~~236~~	~~2.431~~	~~1.066~~	~~40.385~~	~~22.675~~
~~237~~	~~2.432~~	~~1.069~~	~~40.488~~	~~22.675~~
~~238~~	~~2.433~~	~~1.072~~	~~40.720~~	~~22.675~~
~~239~~	~~2.434~~	~~1.075~~	~~40.763~~	~~22.677~~

~~e)~~ ~~Vehicles having composite hydrocarbon emission limitations of 2.00 grams per mile or greater, in Section 240.Table A or Section 240.Table B, shall use the hydrocarbon fast-pass standards contained in this subsection. Vehicles having composite carbon monoxide emission limitations of 30.0 grams per mile or greater in Section 240.Table A or Section 240.Table B, shall use the carbon monoxide fast-pass standards contained in this subsection:~~

	~~Hydrocarbons~~		~~Carbon Monoxide~~	
~~Second~~	~~Composite~~	~~Phase 2~~	~~Composite~~	~~Phase 2~~
~~30~~	~~0.407~~	~~N/A~~	~~3.804~~	~~N/A~~
~~31~~	~~0.415~~	~~N/A~~	~~3.985~~	~~N/A~~
~~32~~	~~0.423~~	~~N/A~~	~~4.215~~	~~N/A~~
~~33~~	~~0.436~~	~~N/A~~	~~4.440~~	~~N/A~~
~~34~~	~~0.451~~	~~N/A~~	~~4.579~~	~~N/A~~
~~35~~	~~0.464~~	~~N/A~~	~~4.688~~	~~N/A~~
~~36~~	~~0.468~~	~~N/A~~	~~4.749~~	~~N/A~~
~~37~~	~~0.475~~	~~N/A~~	~~4.783~~	~~N/A~~
~~38~~	~~0.487~~	~~N/A~~	~~4.813~~	~~N/A~~
~~39~~	~~0.506~~	~~N/A~~	~~4.876~~	~~N/A~~
~~40~~	~~0.530~~	~~N/A~~	~~5.104~~	~~N/A~~
~~41~~	~~0.549~~	~~N/A~~	~~5.217~~	~~N/A~~
~~42~~	~~0.569~~	~~N/A~~	~~5.383~~	~~N/A~~
~~43~~	~~0.588~~	~~N/A~~	~~5.571~~	~~N/A~~
~~44~~	~~0.609~~	~~N/A~~	~~5.888~~	~~N/A~~
~~45~~	~~0.621~~	~~N/A~~	~~6.199~~	~~N/A~~
~~46~~	~~0.636~~	~~N/A~~	~~6.245~~	~~N/A~~

~~47~~	~~0.649~~	~~N/A~~	~~6.318~~	~~N/A~~
~~48~~	~~0.666~~	~~N/A~~	~~6.418~~	~~N/A~~
~~49~~	~~0.679~~	~~N/A~~	~~6.540~~	~~N/A~~
~~50~~	~~0.696~~	~~N/A~~	~~6.690~~	~~N/A~~
~~51~~	~~0.712~~	~~N/A~~	~~6.875~~	~~N/A~~
~~52~~	~~0.727~~	~~N/A~~	~~7.029~~	~~N/A~~
~~53~~	~~0.745~~	~~N/A~~	~~7.129~~	~~N/A~~
~~54~~	~~0.760~~	~~N/A~~	~~7.359~~	~~N/A~~
~~55~~	~~0.776~~	~~N/A~~	~~7.722~~	~~N/A~~
~~56~~	~~0.797~~	~~N/A~~	~~8.017~~	~~N/A~~
~~57~~	~~0.814~~	~~N/A~~	~~8.249~~	~~N/A~~
~~58~~	~~0.826~~	~~N/A~~	~~8.425~~	~~N/A~~
~~59~~	~~0.837~~	~~N/A~~	~~8.563~~	~~N/A~~
~~60~~	~~0.849~~	~~N/A~~	~~8.686~~	~~N/A~~
~~61~~	~~0.862~~	~~N/A~~	~~8.804~~	~~N/A~~
~~62~~	~~0.872~~	~~N/A~~	~~8.916~~	~~N/A~~
~~63~~	~~0.887~~	~~N/A~~	~~9.025~~	~~N/A~~
~~64~~	~~0.895~~	~~N/A~~	~~9.138~~	~~N/A~~
~~65~~	~~0.903~~	~~N/A~~	~~9.250~~	~~N/A~~
~~66~~	~~0.925~~	~~N/A~~	~~9.354~~	~~N/A~~
~~67~~	~~0.933~~	~~N/A~~	~~9.457~~	~~N/A~~
~~68~~	~~0.945~~	~~N/A~~	~~9.575~~	~~N/A~~
~~69~~	~~0.959~~	~~N/A~~	~~9.728~~	~~N/A~~
~~70~~	~~0.970~~	~~N/A~~	~~9.938~~	~~N/A~~
~~71~~	~~0.980~~	~~N/A~~	~~10.140~~	~~N/A~~
~~72~~	~~0.988~~	~~N/A~~	~~10.222~~	~~N/A~~
~~73~~	~~0.997~~	~~N/A~~	~~10.261~~	~~N/A~~
~~74~~	~~1.022~~	~~N/A~~	~~10.278~~	~~N/A~~
~~75~~	~~1.037~~	~~N/A~~	~~10.290~~	~~N/A~~
~~76~~	~~1.051~~	~~N/A~~	~~10.715~~	~~N/A~~
~~77~~	~~1.064~~	~~N/A~~	~~10.790~~	~~N/A~~
~~78~~	~~1.075~~	~~N/A~~	~~10.844~~	~~N/A~~
~~79~~	~~1.087~~	~~N/A~~	~~10.921~~	~~N/A~~
~~80~~	~~1.097~~	~~N/A~~	~~11.010~~	~~N/A~~
~~81~~	~~1.105~~	~~N/A~~	~~11.090~~	~~N/A~~
~~82~~	~~1.114~~	~~N/A~~	~~11.136~~	~~N/A~~
~~83~~	~~1.136~~	~~N/A~~	~~11.136~~	~~N/A~~
~~84~~	~~1.160~~	~~N/A~~	~~11.165~~	~~N/A~~
~~85~~	~~1.182~~	~~N/A~~	~~11.191~~	~~N/A~~

~~86~~	~~1.201~~	~~N/A~~	~~11.205~~	~~N/A~~
~~87~~	~~1.217~~	~~N/A~~	~~11.211~~	~~N/A~~
~~88~~	~~1.233~~	~~N/A~~	~~11.211~~	~~N/A~~
~~89~~	~~1.248~~	~~N/A~~	~~11.211~~	~~N/A~~
~~90~~	~~1.262~~	~~N/A~~	~~11.211~~	~~N/A~~
~~91~~	~~1.271~~	~~N/A~~	~~11.220~~	~~N/A~~
~~92~~	~~1.279~~	~~N/A~~	~~11.294~~	~~N/A~~
~~93~~	~~1.287~~	~~N/A~~	~~11.332~~	~~N/A~~
~~94~~	~~1.295~~	~~N/A~~	~~11.355~~	~~N/A~~
~~95~~	~~1.302~~	~~N/A~~	~~11.383~~	~~N/A~~
~~96~~	~~1.309~~	~~N/A~~	~~11.410~~	~~N/A~~
~~97~~	~~1.316~~	~~N/A~~	~~11.433~~	~~N/A~~
~~98~~	~~1.325~~	~~N/A~~	~~11.516~~	~~N/A~~
~~99~~	~~1.339~~	~~N/A~~	~~11.820~~	~~N/A~~
~~100~~	~~1.356~~	~~N/A~~	~~12.104~~	~~N/A~~
~~101~~	~~1.365~~	~~N/A~~	~~12.344~~	~~N/A~~
~~102~~	~~1.378~~	~~N/A~~	~~12.781~~	~~N/A~~
~~103~~	~~1.397~~	~~N/A~~	~~13.472~~	~~N/A~~
~~104~~	~~1.420~~	~~N/A~~	~~14.405~~	~~N/A~~
~~105~~	~~1.445~~	~~N/A~~	~~14.808~~	~~N/A~~
~~106~~	~~1.470~~	~~N/A~~	~~14.965~~	~~N/A~~
~~107~~	~~1.491~~	~~N/A~~	~~15.121~~	~~N/A~~
~~108~~	~~1.506~~	~~N/A~~	~~15.372~~	~~N/A~~
~~109~~	~~1.517~~	~~0.151~~	~~15.530~~	~~1.113~~
~~110~~	~~1.528~~	~~0.159~~	~~15.687~~	~~1.213~~
~~111~~	~~1.542~~	~~0.172~~	~~16.018~~	~~1.344~~
~~112~~	~~1.559~~	~~0.186~~	~~16.527~~	~~1.399~~
~~113~~	~~1.578~~	~~0.199~~	~~16.810~~	~~1.520~~
~~114~~	~~1.594~~	~~0.207~~	~~16.961~~	~~1.640~~
~~115~~	~~1.605~~	~~0.216~~	~~17.120~~	~~1.684~~
~~116~~	~~1.615~~	~~0.229~~	~~17.135~~	~~1.693~~
~~117~~	~~1.625~~	~~0.235~~	~~17.249~~	~~1.786~~
~~18~~	~~1.642~~	~~0.240~~	~~17.451~~	~~2.007~~
~~119~~	~~1.670~~	~~0.245~~	~~17.509~~	~~2.084~~
~~120~~	~~1.694~~	~~0.261~~	~~17.605~~	~~2.179~~
~~121~~	~~1.705~~	~~0.267~~	~~17.734~~	~~2.644~~
~~122~~	~~1.717~~	~~0.277~~	~~18.049~~	~~2.328~~
~~123~~	~~1.732~~	~~0.287~~	~~18.447~~	~~2.375~~
~~124~~	~~1.747~~	~~0.298~~	~~18.592~~	~~2.437~~

~~125~~	~~1.763~~	~~0.308~~	~~18.657~~	~~2.543~~
~~126~~	~~1.779~~	~~0.316~~	~~18.796~~	~~2.593~~
~~127~~	~~1.795~~	~~0.322~~	~~18.952~~	~~2.641~~
~~128~~	~~1.810~~	~~0.329~~	~~19.137~~	~~2.663~~
~~129~~	~~1.823~~	~~0.338~~	~~19.329~~	~~2.672~~
~~130~~	~~1.835~~	~~0.346~~	~~19.519~~	~~2.676~~
~~131~~	~~1.845~~	~~0.354~~	~~19.707~~	~~2.683~~
~~132~~	~~1.854~~	~~0.356~~	~~19.882~~	~~2.817~~
~~133~~	~~1.862~~	~~0.357~~	~~19.905~~	~~2.992~~
~~134~~	~~1.870~~	~~0.359~~	~~20.049~~	~~3.111~~
~~135~~	~~1.883~~	~~0.362~~	~~20.460~~	~~3.234~~
~~136~~	~~1.888~~	~~0.364~~	~~20.746~~	~~3.304~~
~~137~~	~~1.896~~	~~0.368~~	~~21.310~~	~~3.310~~
~~138~~	~~1.911~~	~~0.378~~	~~21.380~~	~~3.320~~
~~139~~	~~1.928~~	~~0.391~~	~~21.748~~	~~3.354~~
~~140~~	~~1.949~~	~~0.402~~	~~22.046~~	~~3.436~~
~~141~~	~~1.969~~	~~0.408~~	~~22.348~~	~~3.443~~
~~142~~	~~1.982~~	~~0.422~~	~~22.397~~	~~3.452~~
~~143~~	~~1.999~~	~~0.428~~	~~322.407~~	~~3.490~~
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~~145~~	~~2.022~~	~~0.434~~	~~22.922~~	~~3.588~~
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~~147~~	~~2.043~~	~~0.450~~	~~22.976~~	~~3.616~~
~~148~~	~~2.049~~	~~0.460~~	~~23.017~~	~~3.627~~
~~149~~	~~2.063~~	~~0.467~~	~~23.073~~	~~3.636~~
~~150~~	~~2.085~~	~~0.472~~	~~23.161~~	~~3.676~~
~~151~~	~~2.104~~	~~0.480~~	~~23.218~~	~~3.882~~
~~152~~	~~2.117~~	~~0.491~~	~~23.253~~	~~4.011~~
~~153~~	~~2.127~~	~~0.503~~	~~23.337~~	~~4.047~~
~~154~~	~~2.138~~	~~0.505~~	~~23.425~~	~~4.067~~
~~155~~	~~2.152~~	~~0.515~~	~~23.534~~	~~4.081~~
~~156~~	~~2.168~~	~~0.522~~	~~23.652~~	~~4.116~~
~~157~~	~~2.186~~	~~0.527~~	~~23.739~~	~~4.251~~
~~158~~	~~2.205~~	~~0.537~~	~~24.606~~	~~5.099~~
~~159~~	~~2.224~~	~~0.549~~	~~25.615~~	~~5.383~~
~~160~~	~~2.242~~	~~0.568~~	~~26.073~~	~~6.362~~
~~161~~	~~2.268~~	~~0.586~~	~~28.496~~	~~7.926~~
~~162~~	~~2.308~~	~~0.610~~	~~29.772~~	~~8.429~~
~~163~~	~~2.352~~	~~0.648~~	~~31.056~~	~~9.201~~

~~164~~	~~2.406~~	~~0.677~~	~~33.351~~	~~10.825~~
~~165~~	~~2.421~~	~~0.699~~	~~34.980~~	~~12.291~~
~~166~~	~~2.435~~	~~0.720~~	~~35.937~~	~~13.366~~
~~167~~	~~2.470~~	~~0.738~~	~~37.012~~	~~14.428~~
~~168~~	~~2.501~~	~~0.767~~	~~37.892~~	~~15.318~~
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~~170~~	~~2.571~~	~~0.855~~	~~40.406~~	~~16.073~~
~~171~~	~~2.625~~	~~0.869~~	~~41.379~~	~~16.475~~
~~172~~	~~2.657~~	~~0.885~~	~~42.033~~	~~17.158~~
~~173~~	~~2.683~~	~~0.900~~	~~42.432~~	~~17.532~~
~~174~~	~~2.701~~	~~0.941~~	~~42.742~~	~~17.965~~
~~175~~	~~2.717~~	~~0.979~~	~~43.399~~	~~18.242~~
~~176~~	~~2.732~~	~~1.002~~	~~43.895~~	~~18.283~~
~~177~~	~~2.756~~	~~1.025~~	~~44.227~~	~~18.480~~
~~178~~	~~2.781~~	~~1.047~~	~~44.926~~	~~19.576~~
~~179~~	~~2.811~~	~~1.065~~	~~45.256~~	~~20.015~~
~~180~~	~~2.853~~	~~1.089~~	~~45.553~~	~~20.203~~
~~181~~	~~2.898~~	~~1.109~~	~~45.753~~	~~20.433~~
~~182~~	~~2.946~~	~~1.133~~	~~46.210~~	~~21.025~~
~~183~~	~~2.988~~	~~1.158~~	~~47.017~~	~~21.882~~
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~~185~~	~~3.057~~	~~1.209~~	~~48.741~~	~~22.859~~
~~186~~	~~3.076~~	~~1.222~~	~~49.462~~	~~23.533~~
~~187~~	~~3.101~~	~~1.231~~	~~50.313~~	~~24.281~~
~~188~~	~~3.120~~	~~1.239~~	~~51.285~~	~~25.078~~
~~189~~	~~3.136~~	~~1.254~~	~~52.076~~	~~25.276~~
~~190~~	~~3.151~~	~~1.278~~	~~52.857~~	~~25.578~~
~~191~~	~~3.163~~	~~1.300~~	~~52.876~~	~~25.859~~
~~192~~	~~3.209~~	~~1.313~~	~~53.067~~	~~25.985~~
~~193~~	~~3.223~~	~~1.324~~	~~53.777~~	~~26.153~~
~~194~~	~~3.237~~	~~1.340~~	~~54.242~~	~~26.582~~
~~195~~	~~3.263~~	~~1.367~~	~~54.489~~	~~27.067~~
~~196~~	~~3.302~~	~~1.387~~	~~54.601~~	~~27.456~~
~~197~~	~~3.338~~	~~1.402~~	~~54.912~~	~~27.805~~
~~198~~	~~3.372~~	~~1.417~~	~~55.588~~	~~28.070~~
~~199~~	~~3.390~~	~~1.432~~	~~56.266~~	~~28.590~~
~~200~~	~~3.428~~	~~1.446~~	~~56.617~~	~~28.914~~
~~201~~	~~3.470~~	~~1.460~~	~~56.863~~	~~29.063~~
~~202~~	~~3.493~~	~~1.477~~	~~57.204~~	~~29.502~~

~~203~~	~~3.509~~	~~1.492~~	~~57.371~~	~~29.697~~
~~204~~	~~3.522~~	~~1.501~~	~~57.487~~	~~29.713~~
~~205~~	~~3.533~~	~~1.510~~	~~57.728~~	~~29.783~~
~~206~~	~~3.550~~	~~1.522~~	~~58.097~~	~~29.942~~
~~207~~	~~3.578~~	~~1.561~~	~~58.572~~	~~30.284~~
~~208~~	~~3.607~~	~~1.585~~	~~59.024~~	~~30.755~~
~~209~~	~~3.630~~	~~1.597~~	~~59.321~~	~~31.287~~
~~210~~	~~3.658~~	~~1.607~~	~~59.715~~	~~31.549~~
~~211~~	~~3.701~~	~~1.627~~	~~60.045~~	~~31.820~~
~~212~~	~~3.745~~	~~1.645~~	~~60.453~~	~~32.250~~
~~213~~	~~3.778~~	~~1.656~~	~~60.935~~	~~32.546~~
~~214~~	~~3.814~~	~~1.663~~	~~61.307~~	~~32.808~~
~~215~~	~~3.825~~	~~1.669~~	~~61.666~~	~~33.060~~
~~216~~	~~3.835~~	~~1.674~~	~~62.148~~	~~33.204~~
~~217~~	~~3.844~~	~~1.685~~	~~62.532~~	~~33.341~~
~~218~~	~~3.853~~	~~1.700~~	~~62.546~~	~~33.414~~
~~219~~	~~3.864~~	~~1.704~~	~~62.559~~	~~33.514~~
~~220~~	~~3.874~~	~~1.706~~	~~62.570~~	~~33.640~~
~~221~~	~~3.891~~	~~1.709~~	~~62.846~~	~~33.692~~
~~222~~	~~3.928~~	~~1.711~~	~~63.097~~	~~33.711~~
~~223~~	~~3.966~~	~~1.714~~	~~63.150~~	~~33.733~~
~~224~~	~~4.008~~	~~1.718~~	~~63.150~~	~~33.770~~
~~225~~	~~5.010~~	~~1.721~~	~~63.150~~	~~33.796~~
~~226~~	~~4.012~~	~~1.723~~	~~63.150~~	~~33.810~~
~~227~~	~~4.016~~	~~1.726~~	~~63.150~~	~~33.821~~
~~228~~	~~4.019~~	~~1.729~~	~~63.150~~	~~33.839~~
~~229~~	~~4.057~~	~~1.731~~	~~63.150~~	~~33.865~~
~~230~~	~~4.065~~	~~1.733~~	~~63.150~~	~~33.894~~
~~231~~	~~4.071~~	~~1.735~~	~~63.150~~	~~33.918~~
~~232~~	~~4.073~~	~~1.743~~	~~63.150~~	~~33.944~~
~~233~~	~~4.075~~	~~1.749~~	~~63.150~~	~~33.985~~
~~234~~	~~4.077~~	~~1.753~~	~~63.153~~	~~34.014~~
~~235~~	~~4.079~~	~~1.757~~	~~63.159~~	~~34.032~~
~~236~~	~~4.081~~	~~1.762~~	~~63.173~~	~~34.051~~
~~237~~	~~4.083~~	~~1.767~~	~~63.193~~	~~34.067~~
~~238~~	~~4.084~~	~~1.772~~	~~63.214~~	~~34.079~~
~~239~~	~~4.085~~	~~1.776~~	~~63.233~~	~~34.085~~

(Source: Repealed at 35 Ill. Reg. 5552, effective March 18, 2011)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: STAR Bonds

2) Code Citation: 86 Ill. Adm. Code 4000

3)

Section Numbers:	Adopted Action:
4000.101	New Section
4000.105	New Section
4000.110	New Section
4000.201	New Section
4000.205	New Section
4000.301	New Section
4000.305	New Section
4000.310	New Section
4000.315	New Section

4) Statutory Authority: 50 ILCS 470

5) Effective Date of Rulemaking: March 21, 2011

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 rulemaking, 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 Illinois Register: 34 Ill. Reg. 16939; November 5, 2010

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or stylistic. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Implements provisions of the Innovation Development and Economy Act (P.A. 96-939) regarding applications to the Illinois Department of Revenue by a municipality or county for approval of STAR bond districts and STAR bond projects.

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

Samuel J. Moore
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 4000
STAR BONDS

SUBPART A: PURPOSE, DEFINITIONS AND CONFIDENTIALITY

Section
4000.101 Purpose
4000.105 Definitions
4000.110 Confidentiality

SUBPART B: STAR BOND DISTRICT

Section
4000.201 Application for Approval of STAR Bond District
4000.205 General Restrictions on STAR Bond Districts

SUBPART C: STAR BOND PROJECT

Section
4000.301 Feasibility Study
4000.305 STAR Bond Project Plan
4000.310 Application for Approval of STAR Bond Project
4000.315 Bond Issuance

AUTHORITY: Implementing the Innovation Development and Economy Act [50 ILCS 470].

SOURCE: Adopted at 35 Ill. Reg. 5590, effective March 21, 2011.

SUBPART A: PURPOSE, DEFINITIONS AND CONFIDENTIALITY

Section 4000.101 Purpose

The purpose of the *Act is to promote, stimulate and develop the general and economic welfare of the State of Illinois and its communities and to assist in the development and redevelopment of major tourism, entertainment, retail and related destination projects within eligible areas of the State, thereby creating new jobs, stimulating significant capital investment and promoting the*

general welfare of the citizens of this State, by authorizing municipalities and counties to issue sales tax and revenue (STAR) bonds for the financing of STAR bond projects, and to otherwise exercise the powers and authorities granted to municipalities. It is further found and declared to be the policy of the State, in the interest of promoting the health, safety, morals and general welfare of all the people of the State, to provide incentives to create new job opportunities and to promote major tourism, entertainment, retail and related destination projects within the State. [50 ILCS 470/5] The purpose of the Act is economic development and the creation of jobs in STAR bond districts and in the surrounding region. In keeping with the stated purpose of the Act, i.e., to stimulate the economy through the infusion of State and local sales tax revenues to the project, the Department of Revenue sets forth in this Part clear guidance and expectations for applicants to assure that the job creation and economic development promises in the Act flow to the citizens of Illinois.

Section 4000.105 Definitions

The following definitions are applicable to this Part and derived from Section 10 of the Act.

" Act" means the Innovation Development and Economy Act [50 ILCS 470].

"Adverse impacts" means the negative effect of the proposed STAR bond project on existing businesses and units of local government within the market area and includes, but is not limited to, any negative effects on local, regional and State employment, including displacement; any negative effect on the local, regional and State economies; any negative effect on sales and income tax revenue; any negative effect on local vacancy rates for all property in the market area similar to property that is proposed to be developed in the STAR bonds district; and any negative environmental impact.

"Applicant" means a political subdivision that applies to the Illinois Department of Revenue for approval of a STAR bond district or STAR bond project.

"Base year" means the calendar year immediately prior to the calendar year in which the STAR bond district is established.

"Department" means the Illinois Department of Revenue.

"Destination hotel" means a hotel (as that term is defined in Section 2 of the Hotel Operators' Occupation Tax Act [35 ILCS 145]*) complex having at least 150 guest rooms and* that *also includes a venue for entertainment attractions, rides, or other*

activities oriented toward the entertainment and amusement of its guests and other patrons.

"Destination user" means an owner, operator, licensee, co-developer, subdeveloper or tenant:

that operates a business within a STAR bond district that is a retail store having at least 150,000 square feet of sales floor area;

that at the time of opening does not have another Illinois location within a 70 mile radius;

that has an annual average of not less than 30% of customers who travel from at least 75 miles away or from out-of-state, as demonstrated by data from a comparable existing store or stores, or, if there is no comparable existing store, as demonstrated by an economic analysis that shows that the proposed retailer will have an annual average of not less than 30% of customers who travel from at least 75 miles away or from out-of-state who would not have traveled without the presence of the destination user*; and*

that makes an initial capital investment, including project costs and other direct costs, of not less than $30,000,000 for the *retail store.*

"Director" means the Director of Revenue, who shall consult with the Director of Commerce and Economic Opportunity in any approvals or decisions required by the Director under the *Act.*

"Economic impact study" means a study conducted by an independent economist to:

project the financial benefit of the proposed STAR bond project to the local, regional and State economies;

consider the proposed adverse impacts on similar projects and businesses, as well as municipalities within the projected market area; and

draw conclusions about the net effect of the proposed STAR bond project on the local, regional and State economies.

"Eligible area" means any improved or vacant area that:

is contiguous and is not, in the aggregate, less than 250 acres nor more than 500 acres that *include only parcels of real property directly and substantially benefited by the proposed STAR bond district plan;*

is adjacent to a federal interstate highway;

is within one mile of 2 State highways;

is within one mile of an entertainment user, or a major or minor league sports stadium or other similar entertainment venue that had an initial capital investment of at least $20,000,000; and

includes land that was previously surface or strip mined.

The area may be bisected by streets, highways, roads, alleys, railways, bike paths, streams, rivers and other waterways and still be deemed contiguous. In addition, in order to constitute an eligible area, one of the following requirements must be satisfied and all of which are subject to the review and approval of the Director as provided in Section 4000.201(b)*:*

the governing body of the political subdivision shall have determined that the area meets the requirements of a "blighted area" as defined under the Tax Increment Allocation Redevelopment Act [65 ILCS 5/Ch. 11, Div. 74.4]*; or*

the governing body of the political subdivision shall have determined that the area is a blighted area as determined under the provisions of Section 11-74.3-5 of the Illinois Municipal Code [65 ILCS 5/11-74.3-5] (the Business District Development and Redevelopment Law)*; or*

the governing body of the political subdivision shall make the following findings:

that the vacant portions of the area have remained vacant for at least one year, or that any building located on a vacant portion of the property was demolished within the last year and that the building would have qualified under the following paragraph*;*

if portions of the area are currently developed, that the use, condition and character of the buildings on the property are not consistent with the purposes set forth in Section 5 of the Act*;*

that the STAR bond district is expected to create or retain job opportunities within the political subdivision;

that the STAR bond district will serve to further the development of adjacent areas;

that without the availability of STAR bonds, the projects described in the STAR bond district plan would not be possible;

that the master developer meets high standards of creditworthiness and financial strength as demonstrated by one or more of the following: corporate debenture ratings of BBB or higher by Standard & Poor's Corporation or Baa or higher by Moody's Investors Service, Inc.; a letter from a financial institution with assets of $10,000,000 or more attesting to the financial strength of the master developer; or specific evidence of equity financing for not less than 10% of the estimated total STAR bond project costs;

that the STAR bond district will strengthen the commercial sector of the political subdivision;

that the STAR bond district will enhance the tax base of the political subdivision; and

that the formation of a STAR bond district is in the best interest of the political subdivision.

"Entertainment user" means an owner, operator, licensee, co-developer, subdeveloper or tenant that operates a business within a STAR bond district that has a primary use of providing a venue for entertainment attractions, rides or other activities oriented toward the entertainment and amusement of its patrons, occupies at least 20 acres of land in the STAR bond district, and makes an initial

capital investment, including project costs and other direct and indirect costs, of not less than $25,000,000 for that venue.

"Feasibility study" means and includes all of the elements of the feasibility study set forth in Section 4000.301.

"Financial benefit" means the positive effect of the proposed STAR bond project on existing businesses and units of local government within the market area and includes, but is not limited to, any positive effects on local, regional and State employment; any positive effect on the local, regional and State economies; any positive effect on sales and income tax receipts; and any positive effect on local vacancy rates for all property in the market area similar to property that is proposed to be developed in the STAR bond district.

"Job" means a full-time permanent equivalent, direct job.

"Local economy" means the economy of the political subdivision in which the STAR bond project is proposed.

"Local sales taxes" means any locally-imposed taxes received by a municipality, county, or other local governmental entity arising from sales by retailers and servicemen within a STAR bond district, including business district sales taxes and STAR bond occupation taxes, and that portion of the net revenue realized under the Retailers' Occupation Tax Act [35 ILCS 120]*, the Use Tax Act* [35 ILCS 105]*, the Service Use Tax Act* [35 ILCS 110]*, and the Service Occupation Tax Act* [35 ILCS 115] *from transactions at places of business located within a STAR bond district that is deposited into the Local Government Tax Fund and the County and Mass Transit District Fund. For the purpose of* the *Act, "local sales taxes" does not include:*

> *any taxes authorized pursuant to the Local Mass Transit District Act* [70 ILCS 3610]*, the Metro-East Park and Recreation District Act* [70 ILCS 1605]*, or the Flood Prevention District Act* [70 ILCS 750] *for so long as the applicable taxing district does not impose a tax on real property; or*
>
> *county school facility occupation taxes imposed pursuant to Section 5-1006.7 of the Counties Code.* [55 ILCS 5/5-1006.7]

This means that, except as otherwise provided in this definition, local sales taxes include any locally-imposed sales taxes in addition to the 1.25% portion of the 6.25% State-imposed sales tax on general merchandise and the 1% State-imposed sales tax on qualifying food, drugs and medical appliances.

"Local sales tax increment" means, with respect to local sales taxes administered by the Department:

all of the local sales tax paid by destination users, destination hotels and entertainment users that is in excess of the local sales tax paid by destination users, destination hotels and entertainment users for the same month in the base year, as determined by the Department;

in the case of a municipality forming a STAR bond district that is wholly within the corporate boundaries of the municipality and, in the case of a municipality and county forming a STAR bond district that is only partially within a *municipality, that portion of the local sales tax paid by taxpayers that are not destination users, destination hotels or entertainment users that is in excess of the local sales tax paid by taxpayers that are not destination users, destination hotels or entertainment users for the same month in the base year, as determined by the Department; and*

in the case of a county in which a STAR bond district is formed that is wholly within a municipality, that portion of the local sales tax paid by taxpayers that are not destination users, destination hotels or entertainment users that is in excess of the local sales tax paid by taxpayers that are not destination users, destination hotels or entertainment users for the same month in the base year, as determined by the Department, but only if the corporate authorities of the county adopt an ordinance, and file a copy with the Department within the same time frames as required for STAR bond occupation taxes under Section 31 of the Act*, that designates the taxes referenced in this* paragraph *as part of the local sales tax increment under* the *Act.*

As indicated in the previous paragraph, if a STAR bond district is formed that is wholly within the boundaries of a municipality, then in order for the proceeds of a county-imposed sales tax or a county's 0.25% share of the 6.25% State-imposed sales tax that is generated in the STAR bond district by

taxpayers that are not destination users, destination hotels or entertainment users to be considered as part of the "local sales tax increment", the corporate authorities of the county must adopt an ordinance that designates these tax revenues as part of the local sales tax increment and file a certified copy of that ordinance with the Department on or before April 1 for implementation on the following July 1 or on or before October 1 for implementation on the following January 1. Otherwise, those sales tax revenues will continue to be allocated and distributed by the Department as otherwise directed by the statute, as if there were no STAR bond district.

"Market study" means a study to determine the ability of the proposed STAR bond project to gain market share locally and regionally and to remain profitable past the term of repayment of STAR bonds.

"Master developer" means a developer cooperating with a political subdivision to plan, develop and implement a STAR bond project plan for a STAR bond district. Subject to the limitations of Section 25 of the Act*, the master developer may work with and transfer certain development rights to other developers for the purpose of implementing STAR bond project plans and achieving the purposes of* the *Act. A master developer for a STAR bond district shall be appointed by a political subdivision in the resolution establishing the STAR bond district, and the master developer must, at the time of appointment, own or have control of, through purchase agreements, option contracts or other means, not less than 50% of the acreage within the STAR bond district and the master developer or its affiliate must have ownership or control on June 1, 2010.*

"Master development agreement" means an agreement between the master developer and the political subdivision to govern a STAR bond district and any STAR bond projects.

"New job" means a full-time permanent equivalent, direct job, after accounting for displacement.

"Pledged STAR revenues" means those sales tax and revenues and other sources of funds pledged to pay debt service on STAR bonds or to pay project costs pursuant to Section 30 of the Act*. Notwithstanding any provision to the contrary, the following revenues shall not constitute pledged STAR revenues or be available to pay principal and interest on STAR bonds: any State sales tax increment or local sales tax increment from a retail entity initiating operations in a STAR bond*

district while terminating operations at another Illinois location within 25 miles of the STAR bond district. For purposes of this definition*, "terminating operations" means a closing of a retail operation that is directly related to the opening of the same operation, or like retail entity owned or operated by more than 50% of the original ownership, in a STAR bond district within one year before or after initiating operations in the STAR bond district, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality (or county if* the *retail operation is not located within a municipality) in which the terminated operations were located that the closed location contained inadequate space, had become economically obsolete or was no longer a viable location for the retailer or serviceman.*

"Political subdivision" means a municipality or county that *undertakes to establish a STAR bond district pursuant to the provisions of* the *Act.*

"Project costs" means and includes the sum total of all costs incurred or estimated to be incurred on or following the date of establishment of a STAR bond district that are reasonable or necessary to implement a STAR bond district plan or any STAR bond project plans, or both, including costs incurred for public improvements and private improvements that serve the public purposes set forth in Section 5 of the *Act.* Those *costs include without limitation the following:*

> *costs of studies, surveys, development of plans and specifications, formation, implementation, and administration of a STAR bond district, STAR bond district plan, any STAR bond projects or any STAR bond project plans, including, but not limited to, staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected and no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years;*
>
> *property assembly costs, including, but not limited to, acquisition of land and other real property or rights or interests* in that property*, located within the boundaries of a STAR bond district, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination,*

including, but not limited to, parking lots and other concrete or asphalt barriers, the clearing and grading of land, and importing additional soil and fill materials, or removal of soil and fill materials from the site;

subject to the provisions of the 6th indented paragraph of this definition (concerning costs of the design and construction of infrastructure and public works)*, costs of buildings and other vertical improvements that are located within the boundaries of a STAR bond district and owned by a political subdivision or other public entity, including without limitation police and fire stations, educational facilities and public restrooms and rest areas;*

costs of buildings and other vertical improvements that are located within the boundaries of a STAR bond district and owned by a destination user or destination hotel; except that only 2 destination users in a STAR bond district and one destination hotel are eligible to include the cost of those vertical improvements as project costs;

costs of buildings; rides and attractions, which include carousels, slides, roller coasters, displays, models, towers, works of art and similar theme and amusement park improvements; and other vertical improvements that are located within the boundaries of a STAR bond district and owned by an entertainment user; except that only one entertainment user in a STAR bond district is eligible to include the cost of those vertical improvements as project costs;

costs of the design and construction of infrastructure and public works located within the boundaries of a STAR bond district that are reasonable or necessary to implement a STAR bond district plan or any STAR bond project plans, or both, except that project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building unless the political subdivision makes a reasonable determination in a STAR bond district plan or any STAR bond project plans, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public

safety purposes anticipated to result from the implementation of the STAR bond district plan or any STAR bond project plans;

costs of the design and construction of the following improvements located outside the boundaries of a STAR bond district, provided that the costs are essential to further the purpose and development of a STAR bond district plan and either are *part of and connected to sewer, water, or utility service lines that physically connect to the STAR bond district or* are *significant improvements for adjacent offsite highways, streets, roadways and interchanges that are approved by the Illinois Department of Transportation. No other cost of infrastructure and public works improvements located outside the boundaries of a STAR bond district may be deemed project costs;*

costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within a STAR bond district;

financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations and that *may include payment of interest on any obligations issued, including interest accruing during the estimated period of construction of any improvements in a STAR bond district or any STAR bond projects for which such obligations are issued and for not exceeding 36 months thereafter, and including reasonable reserves related* to that financing*;*

to the extent the political subdivision by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from a STAR bond district or STAR bond projects necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of a STAR bond district plan or STAR bond project plans;

interest cost incurred by a developer for project costs related to the acquisition, formation, implementation, development, construction and administration of a STAR bond district, STAR bond district plan, STAR bond projects or any STAR bond project plans, provided that:

payment of interest costs in any one year may not exceed 30% of the annual interest costs incurred by the developer with regard to

the STAR bond district or any STAR bond projects during that year; and

the total of interest payments paid pursuant to the *Act may not exceed 30% of the total cost paid or incurred by the developer for a STAR bond district or STAR bond projects, plus project costs, excluding any property assembly costs incurred by a political subdivision pursuant to* the *Act;*

costs of common areas located within the boundaries of a STAR bond district;

costs of landscaping and plantings, retaining walls and fences, man-made lakes and ponds, shelters, benches, lighting and similar amenities located within the boundaries of a STAR bond district;

costs of mounted building signs, site monument and pylon signs located within the boundaries of a STAR bond district; or

if included in the STAR bond district plan and approved in writing by the Director, salaries or a portion of salaries for local government employees to the extent the same are directly attributable to the work of those *employees on the establishment and management of a STAR bond district or any STAR bond projects.*

Except as specified in the preceding paragraphs, *"project costs" shall not include:*

the cost of construction of buildings that are privately owned or owned by a municipality and leased to a developer or retail user for non-entertainment retail uses;

moving expenses for employees of the businesses locating within the STAR bond district;

property taxes for property located in the STAR bond district;

lobbying costs; and

general overhead or administrative costs of the political subdivision that would still have been incurred by the political subdivision if the political subdivision had not established a STAR bond district.

"Projected market area" means any area within the State in which a STAR bond district or STAR bond project is projected to have a significant fiscal or market impact as determined by the Director.

"Regional economy" means the market area surrounding the STAR bond district located within Illinois, as determined by the economist preparing the economic impact study and the feasibility consultants preparing the feasibility study.

"STAR bond" means a sales tax and revenue bond, note or other obligation payable from pledged STAR revenues and issued by a political subdivision, the proceeds of which shall be used only to pay project costs as defined in the *Act* and this Part.

"STAR bond district" means the specific area declared to be an eligible area as determined by the political subdivision, and approved by the Director, in which the political subdivision may develop one or more STAR bond projects.

"STAR bond district plan" means the preliminary or conceptual plan that generally identifies the proposed STAR bond project areas and identifies in a general manner the buildings, facilities and improvements to be constructed or improved in each STAR bond project area.

"STAR bond project" means a project within a STAR bond district that *is approved pursuant to Section 20* of the Act.

"STAR bond project area" means the geographic area within a STAR bond district in which there may be one or more STAR bond projects.

"*STAR bond project plan*" *means the written plan adopted by a political subdivision for the development of a STAR bond project in a STAR bond district; the plan may include, but is not limited to:*

project costs incurred prior to the date of the STAR bond project plan and estimated future STAR bond project costs;

proposed sources of funds to pay those costs;

the nature and estimated term of any obligations to be issued by the political subdivision to pay those costs;

the most recent equalized assessed valuation of the STAR bond project area;

an estimate of the equalized assessed valuation of the STAR bond district or applicable project area after completion of a STAR bond project;

a general description of the types of any known or proposed developers, users or tenants of the STAR bond project or projects included in the plan;

a general description of the type, structure and character of the property or facilities to be developed or improved;

a description of the general land uses to apply to the STAR bond project; and

a general description or an estimate of the type, class and number of employees to be employed in the operation of the STAR bond project.

"State sales tax" means all of the net revenue realized under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act from transactions at places of business located within a STAR bond district, excluding that portion of the net revenue realized under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act from transactions at places of business located within a STAR bond district that is deposited into the Local Government Tax Fund and the County and Mass Transit District Fund.

"State sales tax increment" means:

100% of the State sales tax that is in excess of the State sales tax for the same month in the base year from transactions at up to 2 destination users, one destination hotel and one entertainment user located within a STAR bond district, which destination users, destination hotel and entertainment user shall be designated by the master developer and

approved by the political subdivision and the Director in conjunction with the applicable STAR bond project approval. For example, if there were no destination users, destination hotels or entertainment users open in the base year in the area that becomes a STAR bond district, then the sales tax in the base year generated by these types of entities would be zero and the increment would equal the entire amount generated by these designated entities after the STAR bond district is created and these designated entities become operational; *and*

25% of the State sales tax that is in excess of the State sales tax for the same month in the base year from all other transactions within a STAR bond district.

If any portion of State sales taxes are, at the time of formation of a STAR bond district, already subject to tax increment financing under the Tax Increment Allocation Redevelopment Act [65 ILCS 5]*, then the State sales tax increment for* that *portion shall be frozen at the base year established in accordance with* the *Act, and all future incremental increases shall be included in the State sales tax increment under* the *Act. Any party otherwise entitled to receipt of incremental State sales tax revenues through an existing tax increment financing district shall be entitled to continue to receive* those *revenues up to the amount frozen in the base year. Nothing in* the *Act shall affect the prior qualification of existing redevelopment project costs incurred that are eligible for reimbursement under the Tax Increment Allocation Redevelopment Act. In* that *event, prior to approving a STAR bond district, the political subdivision forming the STAR bond district shall take such action as is necessary, including amending the existing tax increment financing district redevelopment plan, to carry out the provisions of* the *Act.*

"Substantial change" means a change in which *the proposed STAR bond project plan differs substantially in size, scope or use from the approved STAR bond district plan or STAR bond project plan.* If a destination user, destination hotel or entertainment user has been approved as part of a district plan or project plan, then any proposal to change to a different destination user, destination hotel or entertainment user is a substantial change. *Any substantial changes to a STAR bond project plan as adopted shall be subject to a public hearing following publication of notice in a newspaper of general circulation in the political subdivision and approval by resolution of the governing body of the political subdivision.* [50 ILCS 470/20(i)] In accordance with the purpose of the Act,

which includes encouraging true destination development, any proposal to change to a different destination user, destination hotel, or entertainment user must not take place unless it is also approved by the Director.

"Total development costs" means the aggregate public and private investment in a STAR bond district, including project costs and other direct and indirect costs related to the development of the STAR bond district.

"Traditional retail use" means the operation of a business that derives at least 90% of its annual gross revenue from sales at retail, as that phrase is defined by Section 1 of the Retailers' Occupation Tax Act, but does not include the operations of destination users, entertainment users, restaurants, hotels, retail uses within hotels or any other non-retail uses.

"Vacant" means that portion of the land in a proposed STAR bond district that is not occupied by a building, facility or other vertical improvement.

Section 4000.110 Confidentiality

With respect to the application for approval by the Department of a STAR bond district or project, trade secrets and commercial or financial information obtained from a person or business by the Department, the feasibility consultant, the independent economist or any other consultant commissioned to perform the studies and other analysis under the Act shall be exempt from disclosure if the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business.

SUBPART B: STAR BOND DISTRICT

Section 4000.201 Application for Approval of STAR Bond District

a) *Upon adoption of the resolution to establish a STAR bond district, the political subdivision shall submit the proposed STAR bond district to the Director for consideration.* [50 ILCS 470/15(d)]

b) *The Director may only approve a STAR bond district if the Director* makes all of the findings in this subsection (b).

1) *The proposed STAR bond district is an eligible area.*

2) *The STAR bond district plan includes a projected capital investment of at least $100,000,000.* The projected capital investment identified to meet the requirements of this subsection (b)(2) must consist only of private capital investment.

3) *The STAR bond district plan is reasonably projected to produce at least $100,000,000 of annual gross sales revenues and 500 new jobs.* With respect to the annual gross sales revenues provision, the applicant must demonstrate that the plan is reasonably projected to produce at least $100,000,000 in annual gross sales revenues from sales of tangible personal property, ticket sales, entry fees, hotel room rentals and other products or services sold within the district. Gross sales revenues generated from sales within the district that represent sales displaced from outside of the district do not count toward the $100,000,000 gross sales revenues requirement.

4) *The STAR bond district plan includes potential destination users and a potential entertainment user.* The applicant must generally identify the potential destination users and entertainment user and must include information that substantiates that the potential destination and entertainment users are anticipated to meet the requirements of the Act to be designated as destination or entertainment users.

5) *The creation of the STAR bond district and STAR bond district plan are in accordance with the purpose of* the *Act and the public interest.*

6) *The STAR bond district and STAR bond district plan meet any other requirement that the Director deems appropriate* [50 ILCS 470/15(d)], including, but not limited to, the items listed in this subsection (b)(6). The application must:

A) demonstrate that the district will satisfy the purpose of the Act by creating a true "destination" development;

B) include the proposed sources of financing for the district and any projects in the district;

C) identify any person or entity that holds at least a 5% financial interest in the appointed master developer for the STAR bond district;

D) identify any person or entity that holds at least a 5% financial interest in any parcel of real property within the STAR bond district, and identify how much real property in the district that person or entity holds and what percentage of all real property in the district that real property represents;

E) explain the relationship, if any, between the master developer and the owner of any parcel of real property in the district if they are not the same;

F) describe the extent of the benefit to the STAR bond district of any Tax Increment Financing (TIF) district in which the STAR bond district is located, if located, or partially located, in a TIF district, as well as any other government incentive being provided to or sought by the master developer;

G) provide proof that, except as otherwise provided in this subsection (b)(6)(G) and the Act, all of the local sales tax increment has been irrevocably committed as pledged STAR revenues;

i) Exception: Any local sales tax revenues pledged to pay debt service on municipal bonds issued prior to the effective date of the Act are not required to be included as pledged STAR revenues;

ii) Exception: If a STAR bond district is formed that is wholly within the boundaries of a municipality, then, in order for the proceeds of a county-imposed sales tax or a county's 0.25% share of the 6.25% State-imposed sales tax that is generated in the STAR bond district by taxpayers that are not destination users, destination hotels or entertainment users to be considered as pledged STAR revenues, the corporate authorities of the county must adopt an ordinance that designates these tax revenues as part of

the local sales tax increment and file a certified copy of that ordinance with the Department in accordance with the Act;

iii) Exception: The pledge of STAR Bond occupation taxes imposed under Section 31 of the Act as pledged STAR revenues is subject to the specific provisions of the Act.

Section 4000.205 General Restrictions on STAR Bond Districts

STAR bond districts may lie within an enterprise zone, but no portion of a STAR bond project shall be financed with funds allocated pursuant to the Illinois Enterprise Zone Act [20 ILCS 655]. *STAR bond districts may overlay and benefit from existing tax increment financing districts created pursuant to the Tax Increment Allocation Redevelopment Act, but no portion of a STAR bond project shall be financed with tax increment financing under* the *Act. During any period of time that STAR bonds are outstanding for a STAR bond district, a developer may not use any land located in the STAR bond district for any retail store whose primary business is the sale of automobiles, including trucks and other automotive vehicles with 4 wheels designed for passenger transportation on public streets and thoroughfares or multi-screen motion picture theater complexes containing more than 12 auditoriums for viewing motion pictures. No STAR bond district may contain more than 900,000 square feet of floor space devoted to traditional retail use.* [50 ILCS 470/45]

SUBPART C: STAR BOND PROJECT

Section 4000.301 Feasibility Study

a) *Any political subdivision considering a STAR bond project within a STAR bond district shall notify the Department, which shall cause to be prepared an independent feasibility study by a feasibility consultant with certified copies provided to the political subdivision, the Director and the Department of Commerce and Economic Opportunity. The feasibility consultant, along with the independent economist and any other consultants commissioned to perform the studies and other analysis required by the feasibility study, shall be selected by the Director with the approval of the political subdivision. The consultants shall be retained by the Director and the Department shall be reimbursed by the master developer for the costs to retain the consultants.* The request for proposal issued under the Illinois Procurement Code [30 ILCS 500] by the Director shall provide that any consultant retained under this subsection (a) must be from a nationally recognized firm. *The feasibility study shall include* all of *the following:*

1) *the estimated amount of pledged STAR revenues expected to be collected in each year through the maturity date of the proposed STAR bonds*;

2) *a statement of how the jobs and taxes obtained from the STAR bond project will contribute significantly to the economic development of the State and region*;

3) *visitation expectations*;

4) *the unique quality of the project*;

5) *an economic impact study*;

6) *a market study*;

7) *integration and collaboration with other resources or businesses;*

8) *the quality of service and experience provided, as measured against national consumer standards for the specific target market;*

9) *project accountability, measured according to best industry practices;*

10) *the expected return on State and local investment that the STAR bond project is anticipated to produce;* and

11) *an anticipated principal and interest payment schedule on the STAR bonds.* [50 ILCS 470/20(b)]

b) In order to properly complete the feasibility study, the political subdivision and the master developer shall cooperate fully with the consultants so that they have full access to the necessary financial and other data of the political subdivision, the master developer and the proposed tenants of the STAR bond project.

Section 4000.305 STAR Bond Project Plan

After the establishment of a STAR bond district, the master developer may propose one or more STAR bond projects to a political subdivision and the master developer shall, in cooperation with the political subdivision, prepare a STAR bond project plan in consultation with the

planning commission of the political subdivision, if any. [50 ILCS 470/20(a)] *The STAR bond project plan may be implemented in separate development stages. If the political subdivision determines the STAR bond project is feasible, the STAR bond project plan shall include:*

a) *a summary of the feasibility study;*

b) *a reference to the STAR bond district plan that identifies the STAR bond project area that is set forth in the STAR bond project plan that is being considered;*

c) *a legal description and map of the STAR bond project area to be developed or redeveloped;*

d) *a description of the buildings and facilities proposed to be constructed or improved in* the *STAR bond project area, including destination users and an entertainment user, as applicable;* the plan must include cost information at a level of detail sufficient to conduct the studies required under the Act;

e) *a copy of letters of intent to locate within the STAR bond district signed by both the master developer and the appropriate corporate officer of at least one destination user for the first STAR bond project proposed within the district.*

1) If the first STAR bond project includes more than one destination user, or includes a destination hotel or entertainment user, a letter of intent must be secured for each destination user, as well as the proposed destination hotel and entertainment user;

2) To meet the requirements of this subsection (e), the letter of intent must evidence a binding commitment to enter into good faith negotiations to locate within the STAR bond district;

f) *any other information the governing body of the political subdivision deems reasonable and necessary to advise the public of the intent of the STAR bond project plan.* [50 ILCS 470/20(c)]

Section 4000.310 Application for Approval of STAR Bond Project

Before a political subdivision may hold a public hearing to consider a STAR bond project plan, the political subdivision must apply to the Department for approval of the STAR bond project

plan. The Director shall either approve or deny the STAR bond project plan based on the criteria in this Section. [50 ILCS 470/20(d)]

a) *An application for approval of a STAR bond project plan must not be approved unless all of the components of the feasibility study set forth in* Section 4000.301(a) *have been completed and submitted to the Department for review.* [50 ILCS 470/20(d)]

b) *The Director must review all of the elements of the STAR bond project plan required under* Section 4000.305*, which must be included in the application (*the *plan must include a letter or letters of intent as required* by Section 4000.305(e) *in order to receive Director approval).* [50 ILCS 470/20(d)]

c) *The Director must review the feasibility study and consider all of the components of the feasibility study set forth in* Section 4000.301(a)*, including without limitation the economic impact study and the financial benefit of the proposed STAR bond project to the local, regional and State economies, the proposed adverse impacts on similar businesses and projects as well as municipalities within the market area, and the net effect of the proposed STAR bond project on the local, regional and State economies.* [50 ILCS 470/20(d)]

d) *In addition to the economic impact study, the political subdivision must also submit to the Department, as part of its application, the financial and other information that substantiates the basis for the conclusion of the economic impact study, in the form and manner required by the Department, so that the Department can verify the results of the study.* [50 ILCS 470/20(d)] All documentation submitted as part of or in support of the application must be submitted in electronic format, if applicable.

e) *In addition to any other criteria in this Section, to approve the STAR bond project plan, the Director must be satisfied that the proposed destination user is in fact a true destination user.* [50 ILCS 470/20(d)]

f) *The Director must also find that the STAR bond project plan is in accordance with the purpose of* the *Act and the public interest.* [50 ILCS 470/20(d)] In the interest of full disclosure and to ensure protection of the public interest, the applicant must also submit the following as part of the application:

1) The corporate name and address of each destination user, destination hotel and entertainment user;

2) The owners of each destination user, destination hotel and entertainment user that hold at least a 5% ownership interest, and the name and address of the officers of each destination user, destination hotel and entertainment user;

3) The corporate name and address of any other proposed tenant in the STAR bond project;

4) Disclosure of any interest held by the master developer or any co-developer or subdeveloper or an affiliate of the master developer or any co-developer or subdeveloper that may create a conflict of interest with respect to contracting for the development; and

5) Explanation of the procedures the applicant has in place to help prevent development costs from exceeding cost estimates, as well as the procedures in place to address any cost overruns that might occur.

g) The applicant must provide a copy of the rules and procedures it has in place governing the procurement process the master developer or any co-developer or subdeveloper must use to complete the STAR bond project in a cost effective, fair and equitable manner.

h) The applicant must provide proof that all of the local sales tax increment has been irrevocably committed as pledged STAR revenues as provided in the Act and Section 4000.201(b)(6)(G).

i) Supplemental Information. If information or documentation is missing or insufficient, the Director shall notify the applicant that the information or documentation must be submitted before an approval or denial will be issued.

Section 4000.315 Bond Issuance

The feasibility study performed as part of the Act must be included as part of the prospectus for the issuance of any STAR bonds.

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

1) Heading of Part: Motor Fuel and Petroleum Standards Act

2) Code Citation: 8 Ill. Adm. Code 850

3) Section Number: 850.60 — Emergency Action: Amendment

4) Statutory Authority: Motor Fuel and Petroleum Standards Act [815 ILCS 370]

5) Effective Date of Amendment: March 17, 2011

6) If this emergency amendment, is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of 150 days or upon adoption of permanent rules, whichever comes first.

7) Date Filed with the Index Department: March 17, 2011

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Concern was expressed by petroleum marketers regarding the cost of compliant fuel. A delay in enforcement will allow time for ASTM to consider proposed revisions to the fuel properties for ethanol blends in ASTM D4814 (gasoline specification).

10) A Complete Description of the Subjects and Issues Involved: Ethanol blends are unable to comply with all properties included in the gasoline specification for quality. The regulation provides allowances for ethanol blends while still providing consumer protection. The emergency rule creates a grace period to provide time for ASTM to consider proposed changes to the gasoline specification.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This emergency rule does not affect units of local governments.

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

Linda Rhodes

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

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

217/524-9050
217/785-4505 (fax)

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

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER s: MOTOR FUELS

PART 850
MOTOR FUEL AND PETROLEUM STANDARDS ACT

Section

850.10 Written Complaint Required
850.20 Access to Motor Fuels and Records
850.30 Responsibility for Standards of Quality
850.40 Administrative, Laboratory and Sampling Fees
850.50 Label on Motor Fuel Dispensing Device
850.60 ASTM Standards

EMERGENCY

AUTHORITY: Implementing and authorized by the Motor Fuel Standards Act [815 ILCS 370].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 12711, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990; emergency amendment at 28 Ill. Reg. 16352, effective December 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1886, effective January 24, 2005; amended at 29 Ill. Reg. 5372, effective April 1, 2005; emergency amendment at 34 Ill. Reg. 301, effective December 21, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 6050, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 10532, effective July 8, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 19468, effective December 3, 2010; emergency amendment at 35 Ill. Reg. 5615, effective March 17, 2011, for a maximum of 150 days.

Section 850.60 ASTM Standards

EMERGENCY

a) *The standards set forth in the Annual Book of (ASTM) American Society for Testing and Materials Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless modified or rejected by a regulation adopted by the Department.* [815 ILCS 370/4]

b) The effective date for the lubricity requirement contained in Table 1 (Detailed Requirements for Diesel Fuel Oils) of D 975-04b is extended until October 1, 2005.

c) Effective January 1, 2010, the quality of gasoline-oxygenate blends sold or offered for sale in this State shall meet the standards set forth in Section 2.1.3 of the Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Regulations as provided under the National Institute of Standards and Technology Handbook 130 (2011~~2010 amendment to 2009~~ edition, NIST Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg MD 20899-2600, http://www.nist.gov/pml/wmd/pubs/hb130-11.cfm~~http://ts.nist.gov/WeightsAndMeasures/Publications/H130-09.cfm~~). The previous standards set forth in Section 2.1.1.1 and 2.1.1.2 are specifically rejected and replaced by Section 2.1.3. The Department will delay enforcement of the standards in Section 2.1.3 until May 1, 2012~~2011~~.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 5615, effective March 17, 2011, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

2) Code Citation: 74 Ill. Adm. Code 900

3)

Section Numbers:	Emergency Action:
900.120	Amendment
900.125	New Section

4) Statutory Authority: Authorized by State Prompt Payment Act [30 ILCS 540]

5) Effective Date of Amendments: March 18, 2011

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments are not to expire prior to the end of the 150-day period unless the accompanying identical proposed amendments are adopted prior to the end of the 150-day period.

7) Date filed with the Index Department: March 18, 2011

8) These and other Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment amendments are on file and available in the Department of Central Management Services' Office of the General Counsel in Springfield.

9) Reasons for Emergency: Over the past several years, governments have encountered enormous fiscal challenges at the federal, State, and local levels. In Illinois at the end of June 2010, the backlog of unpaid bills and fund transfers with the Illinois Office of the Comptroller (IOC) stood at $4.712 billion, with an average delay in paying vouchers of 153 working days. As a result of the current cash flow deficit, the State of Illinois (the State) has been forced to delay payment to the majority of its vendors. The State's delay in payments have caused, and is continuing to cause, vendors to suffer their own cash flow deficits and, in some cases, to implement layoffs. This is a threat to the vendors' and the public's interest and welfare.

In November, 2010, the Illinois Department of Central Management Services (CMS) and then-Comptroller Hynes conducted a small pilot program with a few vendors from the Department of Human Services to determine the feasibility of a vendor assistance program. However, CMS was unable to pursue a full scale, permanent program due to

the change in administration in the IOC and then-Comptroller Hynes' appropriate deference to and decision not to bind the new IOC administration. Since Comptroller Topinka has taken office, CMS and the IOC have worked diligently to design a new program that will assist the State's vendors who continue to struggle due to the backlog of unpaid bills. This new program differs markedly from the previous pilot program insomuch that it is (i) State-wide and not restricted to just one State agency, (ii) the new emergency and permanent rule, which are being filed simultaneously, differ materially from and contain far more detail than the pilot program's emergency rule, and (iii) the terms for this program are significantly different from the pilot program's emergency rule, including incorporating the input of Comptroller Topinka's Office.

In order to address the emergency cash flow deficits and layoffs being encountered by some State vendors and to preserve State jobs and businesses, CMS and the IOC have developed a program in which one or more lenders would purchase one or more of a vendor's State receivables at full value, with 90% of the full value to be paid within 10 days, in return for an assignment of the eventual payment of that receivable and the Prompt Payment Act interest by the IOC. In order to proceed with this program and get immediate relief to these struggling vendors and their employees, the Prompt Payment rules must be amended to allow for the assignment or sale of receivables that can accrue prompt payment interest when such assignment or sale has been made pursuant to a vendor payment program approved by CMS and the IOC. This will protect the vendors from assigning or selling their receivables and any accompanying prompt payment interest to factoring companies and predatory lenders at significant discounts from the receivables' full value, and will allow vendors to receive payment on their outstanding vouchers in a more timely fashion. Allowing vendors to participate in this program and to avoid further damaging cash flow deficits and layoffs is necessary to address the current and continuing threat to the vendors', their employees', and the public's interest and welfare.

10) A Complete Description of the Subjects and Issues Involved: This Part is a joint rulemaking of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900. These emergency amendments revise Section 900.120 (n) of the Prompt Payment rules. That Section currently disqualifies from prompt payment interest any underlying payment that has been assigned by a vendor to any third party. The amendments will allow for the payment of prompt payment interest for payments that have been assigned or sold to a third party if the assignment or sale is pursuant to a vendor payment program that is approved by the Department of Central Management Services and the Comptroller. These emergency amendments also create Section 900.125 of the Prompt Payment rules. That Section sets

forth vendor payment program procedures and policies, including explicit criteria as to which lenders may participate in the program.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objective: To provide immediate relief to State vendors and their employees who are struggling due to the current backlog of unpaid State bills. Additionally, these amendments will protect vendors from unscrupulous lenders who are currently demanding a percentage of the underlying principal payment due from the State. The amendments will allow vendors to receive the full amount of their underlying principal payment in return for an assignment of their prompt payment interest.

13) Information and questions regarding these amendments shall be directed to:

Lynn Carter
Deputy General Counsel
Illinois Department of Central Management Services
James R. Thompson Center, Suite 4-607
100 West Randolph Street
Chicago, Illinois 60601

312/814-1569
lynn.carter@illinois.gov

14) Do these amendments require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

The full text of the Emergency Amendments begins on the next page (This Part is a joint rule of the Comptroller and the Department of Central Management Service. The text of the Part appears at 74 Ill. Reg. 900):

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER VIII: CENTRAL MANAGEMENT SERVICES

PART 900
JOINT RULES OF THE COMPTROLLER AND
THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

Section
900.10 Scope
900.20 Definitions
900.30 General Duties of State Agencies
900.35 Duties of State Agencies: Interest Payments
900.40 Statement Indicating That Interest Penalty May Be Available
900.50 Other Interest Provisions
900.60 When a Payment is Late
900.70 Approval by the State
900.80 Submission and Receipt of Bills
900.90 When and How Vendors Must Request Interest
900.100 Calculation of Interest
900.110 No Interest on Interest
900.120 Exclusions
EMERGENCY
900.125 Vendor Payment Program
EMERGENCY
900.130 Special Rules and Procedures Regarding the Application of the Act to the State Employee's Group Insurance Program
900.140 Resolution of Disputes

AUTHORITY: Implementing the State Prompt Payment Act [30 ILCS 540].

SOURCE: Emergency rule adopted at 17 Ill. Reg. 11168, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11498, effective July 11, 1994; amended at 24 Ill. Reg. 19049, effective December 18, 2000; amended at 25 Ill. Reg. 11351, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10939, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 14666, effective September 19, 2002; amended at 31 Ill. Reg. 5751, effective March 29, 2007; emergency amendment at 34 Ill. Reg. 16587, effective October 8, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3792, effective February 16, 2011, for the

remainder of the 150 days; emergency amendment at 35 Ill. Reg. 5619, effective March 18, 2011, for a maximum of 150 days.

Section 900.120 Exclusions
EMERGENCY

The following non-exhaustive list represents the types of payments that are excluded from the Act and consequently do not qualify for interest penalties:

a) Inter- and intra-agency payments. This includes transfers and payments to revolving funds, reimbursement of petty cash funds and imprest accounts, inter-fund transfers and inter-fund payments in which an agency or department serves as the Vendor of Goods or Services.

b) Payments to State employees for personal services (salary only and not including health insurance benefits).

c) Awards and grants, as defined by the Comptroller's Office in SAMS Manual Procedure 15, including pass-through grants and distributive payments and refunds.

d) Contract retainers associated with construction contracts.

e) State Board of Education categorical grants.

f) Community College Board grants.

g) Illinois Student Assistance Commission grants.

h) Payments to local government entities, including school districts.

i) Payments of interest penalties.

j) Payments made to contractual employees (these payments are generally made via a Contractual Services Payroll Voucher).

k) Deleted

l) Payments from accounts or funds not appropriated by the General Assembly.

m) Gratuitous payments made to induce a business to remain in or to locate in this State.

n) Any type of payment to a Vendor assigned or sold by that Vendor to a different payee (including any assignments or sales made by the vendors to the Department of Healthcare and Family Services), except for assignments or sales made pursuant to a vendor payment program approved by the Department of Central Management Services and the Comptroller~~, including any assignments made by the Vendors to the Department of Public Aid~~.

o) Barter transactions.

p) Payments made by a State agency comprised of federal funds only and no State or local funds.

q) Medical and claims payments under the Workers' Compensation and Workers' Occupational Diseases Acts.

r) Tax refunds.

s) State Employee's Group Insurance Program payments covered by late payment interest provisions in 5 ILCS 375/6.12.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 5619, effective March 18, 2011, for a maximum of 150 days)

Section 900.125 Vendor Payment Program
EMERGENCY

The requirements set forth in this Section establish the criteria for participation by Participating Vendors and Qualified Purchasers in a vendor payment program.

a) Authority. The State Comptroller and the Department of Central Management Services are authorized to establish and implement the Program pursuant to Section 3-3 of the Prompt Payment Act [30 ILCS 540/3-3].

b) Applicability. This Section applies to all Qualified Accounts Receivable not otherwise excluded from receiving Prompt Payment interest pursuant to Section

900.120. Section 900.125 shall not apply to the purchase of any accounts receivable related to payments made under a Medical Assistance Program, including Medicaid payments, or any other purchase of accounts receivable which is otherwise prohibited by law.

c) Definitions.

"Applicant" is any entity seeking to be designated as a Qualified Purchaser.

"Application Period" is the time period when the Program is accepting applications or such other period as may be determined by the State.

"Assigned Penalties" are penalties payable by the State in accordance with the State Prompt Payment Act [30 ILCS 540] and its rules which are assigned to the Qualified Purchaser of an Assigned Receivable.

"Assigned Receivable" is the Base Invoice Amount of a Qualified Account Receivable and any associated Assigned Penalties due, currently and in the future, in accordance with the Prompt Payment Act.

"Assignment Agreement" is an agreement executed and delivered by a Participating Vendor and a Qualified Purchaser pursuant to which the Participating Vendor will assign one or more Qualified Accounts Receivable to the Qualified Purchaser and make certain representations and warranties in respect thereof.

"Base Invoice Amount" is the unpaid principal amount of the invoice associated with an Assigned Receivable.

"Department" is the Department of Central Management Services.

"Medical Assistance Program" is any program which provides medical assistance pursuant to Article V of the Illinois Public Aid Code [305 ILCS 5/5].

"Participating Vendor" is a vendor whose application for the sale of a Qualified Account Receivable is accepted for purchase by a Qualified Purchaser pursuant to the Program terms.

"Program" is a vendor payment program.

"Prompt Payment Act" is the State Prompt Payment Act [30 ILCS 540].

"Prompt Payment Penalties" are penalties payable by the State in accordance with the State Prompt Payment Act [30 ILCS 540] and its rules.

"Purchase Price" is one hundred percent (100%) of the Base Invoice Amount associated with an Assigned Receivable, subject to any deductions arising from State Offsets.

"Qualified Account Receivable" is an account receivable due and payable by the State which is outstanding for 60 days or more, is eligible to accrue Prompt Payment Penalties under the Prompt Payment Act and is verified by the relevant State agency. A Qualified Account Receivable shall not include any account receivable related to Medical Assistance Program (including Medicaid) payments or any other accounts receivable, the transfer or assignment of which is prohibited by, or otherwise prevented by, applicable law.

"Qualified Purchaser" is any entity which, during any Application Period, is approved by the State to participate in the Program on the basis of certain qualifying criteria as determined by the State.

"State" is the State of Illinois.

"State Comptroller" is the Illinois Office of the Comptroller.

"State Offsets" is any amount deducted from payments made by the State in respect of any Qualified Account Receivable due to the State's exercise of any offset or other contractual rights against a Participating Vendor. "Sub-Participant" is any individual or entity that intends to purchase Assigned Receivables by or through an Applicant or Qualified Purchaser for the purposes of the Program.

"Sub-Participant Certification" is an instrument executed and delivered to the State by a Sub-Participant pursuant to which the Sub-Participant certifies its agreement, among others, to be bound by the terms and conditions of the Program as a condition to its participation in the Program as a Sub-Participant.

d) Criteria for a Vendor Payment Program.

1) Under the Program, Qualified Purchasers may purchase from Participating Vendors certain Qualified Accounts Receivable owed by the State to the Participating Vendors. A Participating Vendor shall not simultaneously apply to sell the same Qualified Account Receivable to more than one Qualified Purchaser.

2) In consideration of the payment of the Purchase Price, a Participating Vendor shall assign to the Qualified Purchaser all of its rights to payment of the Qualified Account Receivable, including all current and future Prompt Payment Penalties due relating to such Qualified Account Receivable in accordance with the Illinois Prompt Payment Act [30 ILCS 540].

e) Criteria for Participating Vendors. A vendor may be considered for participation in the Program if:

1) the vendor is owed an account receivable by the State that has been outstanding for 60 days or more;

2) the vendor's account receivable is eligible to accrue Prompt Payment Penalty interest under the State Prompt Payment Act;

3) the vendor's account receivable is not for payments under a Medical Assistance Program, which includes Medicaid payments; and

4) the vendor's account receivable is not prohibited by, or otherwise prevented by, applicable law from being transferred or assigned pursuant to this Section.

f) Criteria for Qualified Purchasers. Factors to be considered in determining qualification to be a Qualified Purchaser shall include but are not limited to:

1) the Qualified Purchaser's agreement to meet and/or ability to invest in or obtain investment funds which meet certain minimum purchase commitments and creditworthiness requirements;

2) the agreement of a Qualified Purchaser's Sub-Participants to meet and/or ability to invest or obtain investment funds which meet certain minimum purchase commitments and creditworthiness requirements;

3) the ability of a Qualified Purchaser and its Sub-Participants to meet standards of responsibility substantially equivalent to the Standards of Responsibility found in 44 Ill. Adm. Code 1.2046(b) (Government Contracts, Procurement, and Property Management);

4) the agreement of each Qualified Purchaser, at its sole cost and expense, to administer and facilitate the operation of the Program with respect to such Qualified Purchaser, including without limitation, assisting potential Participating Vendors with the application and assignment process;

5) the agreement of each Qualified Purchaser, at its sole cost and expense, to establish a website, in form and substance satisfactory to the State, to administer the Program in accordance with the terms and conditions of the Program;

6) the agreement of each Qualified Purchaser, at its sole cost and expense, to market the Program to potential Participating Vendors;

7) the agreement of each Qualified Purchaser, at its sole cost and expense, to educate Participating Vendors about the benefits and risks associated with participation in the Program;

8) the agreement of each Qualified Purchaser, at its sole cost and expense, to deposit funds into, release funds from, and otherwise maintain all required accounts in accordance with the terms and conditions of the Program. Subject to the Program Terms, all required accounts shall be maintained and controlled by the Qualified Purchaser at the Qualified Purchaser's sole cost and at no cost, whether in the form of fees or otherwise, to the Participating Vendors;

9) the agreement of each Qualified Purchaser, at its sole cost and expense, to submit a monthly written report, in both hard copy and Excel format, to the Comptroller or its designee and the Department of Central Management Services or its designee, within 10 days after the end of each month, which, at a minimum, shall contain:

A) a listing of each Assigned Receivable purchased by such Qualified Purchaser during the month, specifying the Base Invoice Amount

and invoice date of such Assigned Receivable and the name of the Participating Vendor, State contract number, Voucher number and State agency associated with such Assigned Receivable;

B) a listing of each Assigned Receivable with respect to which the Qualified Purchaser has received payment of the Base Invoice Amount from the State during such month, including the amount of and date on which such payment was made and the name of the Participating Vendor, State contract number, Voucher number, and State agency associated with the Assigned Receivable, and identifying the relevant Application Period for each Assigned Receivable;

C) a listing of any payments of Assigned Penalties received from the State during the month, including the amount of and date on which the payment was made, the name of the Participating Vendor, the voucher number for the Assigned Penalty receivable, and the associated Assigned Receivable, including the State contract number, Voucher number and State agency associated with the Assigned Receivable and identifying the relevant Application Period for each Assigned Receivable;

D) the cumulative aggregate number and dollar value of Assigned Receivables purchased by the Qualified Purchaser from the date on which such Qualified Purchaser commenced participating in the Program through the last day of the month;

E) the cumulative aggregate number and dollar value, for which no payment of Base Invoice Amount has yet been received by the State, of Assigned Receivables purchased by the Qualified Purchaser from the date on which the Qualified Purchaser commenced participating in the Program through the last day of the month; and

F) such other data as the State may reasonably request from time to time.

10) the Agreement of each Qualified Purchaser to use its reasonable best efforts, and for any Sub-Participant to cause a Qualified Purchaser to use

its reasonable best efforts, to diligently pursue receipt of Assigned Penalties associated with the Assigned Receivables, including without limitation, by promptly notifying the relevant State agency that an Assigned Penalty is due, and, if necessary, seeking payment of Assigned Penalties through the Illinois Court of Claims; and

11) the Agreement of each Qualified Purchaser and any Sub-Participant to use their reasonable best efforts to implement the Program terms and to perform their obligations under the Program in a timely fashion.

Each Qualified Purchaser's performance and implementation of its obligations under this subsection (f) shall be subject to review by the State at any time to confirm that the Qualified Purchaser is undertaking such obligations in a manner consistent with the terms and conditions of the Program.

A Qualified Purchaser's failure to so perform its obligations including, without limitation, its obligations to diligently pursue receipt of Assigned Penalties associated with Assigned Receivables, shall be grounds for the State to terminate the Qualified Purchaser's participation in the Program in accordance with subsection (h) of this Section. Any such termination shall be without prejudice to any rights a Participating Vendor may have against such Qualified Purchaser, in law or in equity, including without limitation, the right to enforce the terms of the Assignment Agreement and of the Program against the Qualified Purchaser.

g) State's Right to Review Sub-Participants.

1) In determining whether any Applicant shall be designated as a Qualified Purchaser, the State shall have the right to review and approve Sub-Participants which intend to purchase Assigned Receivables by or through the Applicant.

2) The State reserves the right to reject or terminate the designation of any Applicant as a Qualified Purchaser or require an Applicant to exclude a proposed Sub-Participant in order to become or remain a Qualified Purchaser on the basis of a review, whether prior to or after the designation.

3) Each Applicant and each Qualified Purchaser has an affirmative obligation to promptly, and no later than 3 business days thereafter, notify the State

of any change or proposed change in the identity of the Sub-Participants that it disclosed to the State.

4) Each Sub-Participant shall be required to execute a Sub-Participant Certification, which will be attached to the corresponding Qualified Purchaser Designation.

5) Sub-Participants shall meet, at a minimum, the requirements of subsections (f)(2), (3), (10), and (11).

h) Term and Termination. The Program shall commence in March 2011 and shall continue until terminated in accordance with this subsection (h). The Program may be terminated:

1) by the State in its discretion by giving 10 days prior written notice to Qualified Purchasers in the Program;

2) by the State with respect to a particular Qualified Purchaser or Sub-Participant in the event the Qualified Purchaser or Sub-Participant breaches or fails to meet any of the terms or conditions of the Program, which termination shall be effective immediately upon the State's giving written notice to such Qualified Purchaser or Sub-Participant; or

3) by a Qualified Purchaser or Sub-Participant, solely with respect to its own participation in the Program, in the event of any change to the Prompt Payment Act or to the administrative rules effectuating the Prompt Payment Act from the form in existence on the date the Qualified Purchaser or the Sub-Participant, as applicable, have submitted the necessary documentation for admission into the Program, if such change materially and adversely affects the Qualified Purchaser's ability or the Sub-Participant's ability to purchase and receive payment on receivables on the terms described herein.

No termination under subsection (h)(1), (2), or (3) shall alter or affect the Qualified Purchaser's or Sub-Participant's obligations with respect to Assigned Receivables purchased by or through the Qualified Purchaser prior to the termination.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(Source: Added by emergency rulemaking at 35 Ill. Reg. 5619, effective March 18, 2011, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Emergency Action:
310.50	Amendment
310.APPENDIX A TABLE AA	Amendment

4) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

5) Effective Date of Amendments: March 15, 2011

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment is not to expire prior to the end of the 150-day period unless the identical accompanying proposed amendments are adopted before the end of the 150-day period.

7) Date filed with the Index Department: March 15, 2011

8) This and other Pay Plan amendments are on file and available in the Division of Technical Services and Agency Training and Development of the Bureau of Personnel.

9) Reasons for Emergency: The reason for the emergency is when the Extensions of Jurisdiction (80 Ill. Adm. Code 305) Section 305.270 went into effect December 30, 2009, the Memorandum of Agreement (MOA) between the Teamsters Local 916 and the State of Illinois (CMS) signed August 10, 2009 pay provisions also went into effect and the Pay Plan should have been amended to reflect that. The MOA contains provision (1) initiating a classification study, provision (3) continuing representation by the Teamsters and Attachment B identifying the salaries to take effect when Personnel Code jurisdiction is extended. The identified salaries include the 2.5% wage increase the employees would have received effective July 1, 2009 given the Agreement by and between the Teamsters Local 916 and the Illinois Departments of CMS, Transportation and Natural Resources July 1, 2008 to June 30, 2012 signed January 6, 2009. Following the extensions of Personnel Code jurisdiction effective December 30, 2009, while the class study was in progress, the positions were allocated to the interim classification Public Service

Administrator (PSA), Option 9T. Option 9T equates to Teamster Management Information Systems in effect from December 30, 2009 through February 1, 2011.

The classification study was completed. The classifications of End-User Computer Services Specialist I, End-User Computer Services Specialist II and End-User Computer Systems Analyst were established as approved by the Civil Service Commission effective February 1, 2011; all incumbents of the PSA, Option 9T, were reclassified to the new classifications.

10) A complete Description of the Subjects and Issues Involved: In the table of contents and Section 310.Appendix A Table AA heading, Central Management Services is added to the Departments identified as having positions represented by the NR-916 bargaining unit.

In Section 310.50, a description of 9T is added to the definition of Option.

In Section 310.Appendix A Table AA, a statement is added regarding the extensions of Personnel Code jurisdiction, allocation of positions to the interim Public Service Administrator title Option 9T and assignment of salaries effective December 30, 2009. A Note is added to locate the definition of the Option for a description of 9T.

11) Are there any proposed amendments to this Part pending? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.210	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table C	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table G	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table K	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table L	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table P	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table Q	Amendment	35 Ill. Reg. 678, January 14, 2011
310.47		35 Ill. Reg. 2841, February 18, 2011
310.Appendix A Table AA	Amendment	35 Ill. Reg. 2841, February 18, 2011
310.495	Amendment	35 Ill. Reg. 3874, March 4, 2011
310.Appendix A Table N	Amendment	35 Ill. Reg. 3874, March 4, 2011

12) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

13) Information and questions regarding these emergency amendments shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

Telephone: 217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

14) Does this rulemaking require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.45 Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47 In-Hiring Rate
310.50 Definitions
EMERGENCY
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes (Repealed)
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240 Daily or Hourly Rate Conversion
310.250 Member, Patient and Inmate Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

310.260 Trainee Rate
310.270 Legislated Rate
310.280 Designated Rate
310.290 Out-of-State Rate (Repealed)
310.295 Foreign Service Rate (Repealed)
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.415 Merit Compensation Salary Range Assignments
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases and Bonuses
310.455 Intermittent Merit Increase (Repealed)
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units (Repealed)
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase and Bonus Guidechart
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop

	Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
EMERGENCY	
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory

amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14

Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995;

emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days;

amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for

a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006;

peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg.

11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; peremptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days.

SUBPART A: NARRATIVE

Section 310.50 Definitions
EMERGENCY

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), and Negotiated Rates of Pay (Appendix A). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

> "Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Base Salary" – A dollar amount of pay specifically designated in the Negotiated Rates of Pay (Appendix A) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on the employee during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

"Option" – The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The

requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
2C	=	Economist
3	=	Management Information System/Data Processing/Telecommunications
4	=	Physical Sciences/Environment
6	=	Health and Human Services
6B	=	Day Care Quality Assurance
6C	=	Health Statistics
6D	=	Health Promotion/Disease Prevention
6E	=	Laboratory Specialist
6F	=	Infectious Disease
6G	=	Disaster/Emergency Medical Services
7	=	Law Enforcement/Correctional
8A	=	Special License − Architect License
8B	=	Special License − Boiler Inspector License
8C	=	Special License − Certified Public Accountant/Certified Internal Auditor
8D	=	Special License − Federal Communications Commission License/National Association of Business and Educational Radio
8E	=	Special License − Engineer (Professional)
8F	=	Special License − Federal Aviation Administration Medical Certificate/First Class
8G	=	Special License − Clinical Professional Counselor
8H	=	Special License − Environmental Health Practitioner
8I	=	Special License − Professional Land Surveyor License
8J	=	Special License − Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
8K	=	Special License − Licensed Psychologist
8L	=	Special License − Law License
8N	=	Special License − Registered Nurse License

8O = Special License − Occupational Therapist License
8P = Special License − Pharmacist License
8Q = Special License − Religious Ordination by Recognized Commission
8R = Special License − Dental Hygienist
8S = Special License − Social Worker/Clinical Social Worker
8T = Special License − Administrative Certificate issued by the Illinois State Board of Education
8U = Special License − Physical Therapist License
8V = Special License − Audiologist License
8W = Special License − Speech-Language Pathologist License
8X = Special License − Blaster Certificate
8Y = Special License − Plumbing License
8Z = Special License − Special Metrologist Training
9G = Special License − Registered Professional Geologist License
9T = Teamster Management Information Systems, effective December 30, 2009 through February 1, 2011

The following options are for the Senior Public Service Administrator classification and have a negotiated pay grade or rates assigned:

7 = Law Enforcement/Correctional
8P = Pharmacist License

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

B = Negotiated regular pension formula rate for the State of Illinois
E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois
J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey

L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois

M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired

N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf

O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt

P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois

Q = Negotiated alternative pension formula rate for the State of Illinois

S = Negotiated maximum-security institution rate for the State of Illinois

U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" − The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not

less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days)

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE AA NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
EMERGENCY

Title	Title Code	Bargaining Unit	Pay Plan Code	Effective August 17, 2009 Minimum Salary	Maximum Salary
Highway Construction Supervisor I	18525	NR-916	B	3626	6495

Title	Title Code	Bargaining Unit	Pay Plan Code	Effective November 25, 2009 Minimum Salary	Maximum Salary
Highway Construction Supervisor II	18526	NR-916	B	4058	7508

Effective December 30, 2009, specific positions represented by the NR-916 bargaining unit and formerly not subject to the Personnel Code are extended Personnel Code jurisdiction (80 Ill. Adm. Code 305.270), allocated while the class study is in progress to the interim classification Public Service Administrator, Option 9T, and assigned to salaries that include the 2.5% increase that the employees would have received effective July 1, 2009 given the Agreement by and between the Teamsters Local 916 and the Illinois Departments of Central Management Services, Transportation and Natural Resources July 1, 2008 to June 30, 2012 signed January 6, 2009.

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated NR-916 rates have the Option 9T. See the definition of option in Section 310.50.

Title	Title Code	Bargaining Unit	Pay Plan Code	Effective January 1, 2010 Minimum Salary	Maximum Salary
Highway Construction Supervisor I	18525	NR-916	B	3795	6790
Highway Construction Supervisor II	18526	NR-916	B	4245	7850
Cartographer III	06673	NR-916	B	4165	7405
Civil Engineer I	07601	NR-916	B	4050	6255

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Civil Engineer II	07602	NR-916	B	4325	7170
Civil Engineer III	07603	NR-916	B	4750	8035
Civil Engineer Trainee	07607	NR-916	B	3815	5320
Engineering Technician I	13731	NR-916	B	2355	4225
Engineering Technician II	13732	NR-916	B	2825	5075
Engineering Technician III	13733	NR-916	B	3420	6045
Engineering Technician IV	13734	NR-916	B	4190	7835
Technical Manager I	45261	NR-916	B	3215	5710

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days)

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1) Heading of the Part: Licensing of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 330

3) Section Number: 330.40 Emergency Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]

5) Effective Date of Rulemaking: March 21, 2011

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency rulemaking will expire upon adoption of the regular rulemaking, which is the same as this emergency rulemaking.

7) Date filed with the Index Department: March 21, 2011

8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection

9) Reason for Emergency: The changes in Section 330.40 that were adopted 2/7/11 were inadvertently deleted from the version adopted 2/28/11. These changes were required for compatibility with the US Nuclear Regulatory Commission and should have been in place October 29, 2010. (Proposed at 34 Ill. Reg. 17022, Adopted at 35 Ill. Reg. 2931, effective 2/7/11).

10) A Complete Description of the Subjects and Issues Involved: This proposed amendment will update and clarify general licenses and license exemptions and requirements for manufacture and distribution of radioactive material.

This proposed amendment will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 30, 32, and 35 regulations currently in place for use of radioactive materials. Agreement States such as Illinois were required to have these changes in place by October 29, 2010. NRC has assigned this rulemaking a compatibility category of B. This means that the Illinois rule must have language essentially identical to NRC's because of transboundary considerations.

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11) Are there any proposed amendments to this Part pending? Yes

12) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.

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

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330
LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section
330.10 Purpose and Scope
330.15 Incorporations by Reference
330.20 Definitions
330.30 License Exemption − Source Material
330.40 License Exemption – Radioactive Materials Other Than Source Material
EMERGENCY

SUBPART B: TYPES OF LICENSES

Section
330.200 Types of Licenses
330.210 General Licenses – Source Material
330.220 General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section
330.240 Filing Applications for Specific Licenses
330.250 General Requirements for the Issuance of Specific Licenses
330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270 Special Requirements for Specific Licenses of Broad Scope
330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290 Requirements for Emergency Plans
330.300 Issuance of Specific Licenses
330.310 Terms and Conditions of Specific and General Licenses
330.320 Renewal Requirements for Specific Licenses

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330.325 Termination Requirements for Specific Licenses and Locations of Use
330.330 Renewal of Licenses
330.340 Amendment of Licenses at Request of Licensee
330.350 Agency Action on Application to Renew or Amend
330.360 Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370 Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400 Transfer of Material
330.500 Modification and Revocation of Licenses
330.900 Reciprocal Recognition of Licenses
330.950 Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section
330.1000 Transportation of Radioactive Materials (Repealed)

330.APPENDIX A Exempt Concentrations
330.APPENDIX B Exempt Quantities
330.APPENDIX C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A Group I (Repealed)
330.TABLE B Group II (Repealed)
330.TABLE C Group III (Repealed)
330.TABLE D Group IV (Repealed)
330.TABLE E Group V (Repealed)
330.TABLE F Group VI (Repealed)
330.APPENDIX D Limits for Broad Licenses (Section 330.270)
330.APPENDIX E List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F Nationally Tracked Source Thresholds
330.APPENDIX G Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 330.40 License Exemption − Radioactive Materials Other Than Source Material EMERGENCY

a) Exempt Concentrations

1) Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Appendix A provided they have been introduced or transferred~~distributed pursuant to a license~~ as described in subsection (a)(2) or (3) of this Section. This Section shall not be deemed to authorize the import of radioactive materials or products containing radioactive materials.

2) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (a)(1) of this Section or equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14)~~,~~ or an Agreement State~~ or a Licensing State~~, except in accordance with a specific license issued pursuant to Section 330.280(a)~~ or the general license provided in Section 330.900~~.

3) A manufacturer, processor or producer of a product or material is exempt from the requirements for a license set forth in this Part to the extent that such person transfers radioactive material contained in a product or material in concentrations not in excess of those specified in Appendix A and introduced into the product or material by a licensee holding a specific license issued by the Agency expressly authorizing that introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug or other commodity of product designed for ingestion or inhalation by, or application to, a human being.

b) Exempt Quantities

1) Except as restricted by subsections (b)(2) through (4) of this Section, any~~Any~~ person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Appendix B~~ provided they have been distributed pursuant to a license as described in subsection (b)(3) of this Section~~. Furthermore, any person is exempt from this Part to the extent that such person possesses, uses, transfers or owns radioactive material that was received or acquired before September 25, 1971, under the general license then provided by the regulations of the U.S. Atomic Energy Commission (10 CFR 31.4) or the equivalent regulations of an Agreement State.

AGENCY NOTE: Capsules distributed pursuant to 10 CFR 32.21 that contain carbon-14 urea are only authorized for "in-vivo" diagnostic use for humans. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license from the Agency. Nothing in this Section relieves persons from complying with applicable Federal and State requirements governing receipt, administration and use of drugs.

2) This subsection (b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

3) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Appendix B,

knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under this subsection (b) or equivalent regulations of the U.S. Nuclear Regulatory Commission~~,~~ or an Agreement State ~~or a Licensing State~~, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.18 or 32.21, or by the Agency pursuant to Section 330.280(b), which states that the radioactive material may be transferred by the licensee to persons exempt under this subsection (b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission~~,~~ or an Agreement State ~~or a Licensing State~~.

4) No person shall, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by the exemption in subsection (b)(1) of this Section so that the aggregate quantity exceeds the limits set forth in Appendix B, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by this Part.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

c) Exempt Items

1) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products or persons who initially transfer for sale or distribution the following products, any person is exempt from this Part to the extent that he receives, possesses, uses, transfers, owns or acquires the following products:

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the

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U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rate:

i) 925 MBq (25 mCi) of tritium per timepiece;

ii) 185 MBq (5 mCi) of tritium per hand;

iii) 555 MBq (15 mCi) of tritium per dial (bezels when used shall be considered as part of the dial);

iv) 3.7 MBq (100 microCi) of promethium-147 per watch or 7.4 MBq (200 microCi) of promethium-147 per any other timepiece;

v) 740 kBq (20 microCi) of promethium-147 per watch hand or 1.48 MBq (40 microCi) of promethium-147 per other timepiece hand;

vi) 2.22 MBq (60 microCi) of promethium-147 per watch dial or 4.44 MBq 120 microCi) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);

vii) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams/square centimeter of absorber: for wrist watches, 1 microGy (100 microrad)/hour at 10 centimeters from any surface; for pocket watches, 1 microGy (100 microrad)/hour at 1 centimeter from any surface; for any other timepiece, 2 microGy (200 microrad)/hour at 10 centimeters from any surface; or

viii) 37 kBq (1 microCi) of radium-226per timepiece in intact timepieces manufactured prior to November 30, 2007~~acquired prior to May 1, 1974~~.

~~B) Lock illuminators containing not more than 555 MBq (15 mCi) of tritium or not more than74 MBq (2 mCi) of promethium-147 installed in automobile locks. The radiation dose rate from each lock illuminator containing promethium-147 will not exceed 10 microGy (1 mrad)/hour at 1 centimeter from any surface when measured through 50 milligrams/square centimeter of absorber.~~

B~~C~~) Precision balances containing not more than 37 MBq (1 mCi) of tritium per balance or not more than 18.5 MBq (500 microCi) of tritium per balance part manufactured before December 17, 2007.

~~D) Automobile shift quadrants containing not more than 925 MBq (25 mCi) of tritium.~~

C~~E~~) Marine compasses containing not more than 27.8 GBq (750 mCi) of tritium gas and other marine navigational instruments containing not more than 9.25 GBq (250 mCi) of tritium gas manufactured before December 17, 2007.

~~F) Thermostat dials and pointers containing not more than 925 MBq (25 mCi) of tritium per thermostat.~~

D~~G~~) Electron tubes:~~;~~

i) provided that each tube does not contain more than one of the following specified quantities of radioactive material:

•~~i)~~ 5.55 GBq (150 mCi) of tritium per microwave receiver protector tube or 370 MBq (10 mCi) of tritium per any other electron tube;

•~~ii)~~ 37 kBq (1 microCi) of cobalt-60;

•~~iii)~~ 185 kBq (5 microCi) of nickel-63;

•~~iv)~~ 1.11 MBq (30 microCi) of krypton-85;

•~~v)~~ 185 kBq (5 microCi) of cesium-137; or

•~~vi)~~ 1.11 MBq (30 microCi) of promethium-147; and

ii) provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed 10 microGy (1 mrad)/hour at 1 centimeter from any surface when measured through 7 milligrams/square centimeter of absorber.

AGENCY NOTE: For purposes of subsection (c)(1)(D)~~(c)(1)(G)~~ of this Section, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.

E~~H~~) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

i) Each source contains no more than one exempt quantity set forth in Appendix B; and

ii) Each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's sources may contain one or more radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Appendix B, provided that the sum of such fractions shall not exceed unity.

AGENCY NOTE: For purposes of subsection (c)(1)(E)~~(c)(1)(H)~~ of this Section, 1.85 kBq (50 nCi) of americium-241 is considered an exempt quantity.

~~I) Spark gap irradiators containing not more than 37 kBq (1 microCi) of cobalt-60 per spark gap irradiator for use in electrically-ignited fuel oil burners having a firing rate of at least 11.4 liters (3 gallons)/hour.~~

2) Self-Luminous Products Containing Radioactive Material

A) Tritium, Krypton-85 or Promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license, issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.22, which authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in this subsection (c)(2)(A) does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments. The U. S. Nuclear Regulatory Commission shall make this determination of exemption.

B) Radium-226. Any person is exempt from this Part to the extent that person receives, possesses, uses, transfers or owns articles containing less than 3.7 kBq (100 nCi) of radium-226 that were acquired prior to May 1, 1974.

3) Gas and Aerosol Detectors Containing Radioactive Material

A) Except for persons who manufacture, process, produce or initially transfer for sale and distribution gas and aerosol detectors containing radioactive material, any person is exempt from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that such person receives, possesses, uses, transfers, owns or acquires ionization chamber smoke detectors containing not more than 37 kBq(iμCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires. The detectors ~~radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material~~ shall have been manufactured, imported or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.26 ~~or a Licensing State pursuant to Section 330.280(c), which~~ that authorizes ~~the~~ transfer

of the detectors to persons who are exempt from regulatory requirements.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State or a former Licensing State shall be considered exempt under subsection (c)(3)(A) of this Section, provided that the device is labeled in accordance with the specific license ~~authorizing distribution of the generally licensed device~~ and provided further that it meets~~they meet~~ the requirements of 10 CFR 32.26 in effect at the time of distribution~~Section 330.280(c)~~.

~~C) Gas and aerosol detectors containing naturally-occurring or accelerator-produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a Licensing State shall be considered exempt under subsection (c)(3)(A) of this Section, provided that the device is labeled in accordance with the specific license authorizing distribution and provided further that they meet the requirements of Section 330.280(c).~~

~~4) Resins Containing Scandium-46 and Designed for Sand Consolidation in Oil Wells. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of such resins pursuant to licensing requirements equivalent to those in 10 CFR 32.17~~

~~published January 1, 1997, exclusive of subsequent amendments or editions. This exemption does not authorize the manufacture of any resins containing scandium-46.~~

d) Exempt Material

1) Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium (sum of radium-226 and radium-228 concentrations) less than or equal to 200 pCi/g (dry weight basis) are exempt from the licensing requirements provided they comply with this subsection (d). Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium greater than 200 pCi/g (dry weight basis) are not exempt and shall comply with requirements in 32 Ill. Adm. Code 330.

2) The following individuals or entities producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium less than or equal to 200 pCi/g (dry weight basis) must register directly with the Agency:

A) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium occurring naturally from groundwater; and

B) Owners and operators of Illinois Environmental Protection Agency (IEPA) permitted landfills if the residuals or sludge is disposed of in those landfills; and

C) Applicators who apply to agricultural lands residuals or sludge resulting from the treatment of water or sewage containing radium occurring naturally from groundwater; and

D) Any other person or entity that the Agency determines is required to register under the provisions of the Radiation Protection Act.

3) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium in concentration less than or equal to 200 pCi/g (dry weight basis) occurring naturally from groundwater will be exempt from the licensure and fee requirements of the Radiation Protection Act.

4) Residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater may be disposed of in accordance with the following provisions and the requirements of IEPA and the regulations of the Illinois Pollution Control Board (Title 35 of the Illinois Administrative Code, Subtitles C and G, and Part 391), as implemented by IEPA:

A) If the level of radium in the residuals or sludge is less than or equal to 100 pCi/g (dry weight basis):

i) the residuals or sludge may be disposed of in an IEPA permitted landfill provided:

- the residuals or sludge are covered during transportation; and

- the residuals or sludge that are easily dispersible must be packaged or stabilized to prevent dispersion during transportation and/or landfill placement; and

- there is at least 10 feet of non-contaminated overburden between the residuals or sludge and grade level (at the time of landfill closure).

ii) the residuals or sludge may be used for soil conditioning purposes on agricultural crop land (e.g., corn, soybeans) provided:

- that use is in accordance with 35 Ill. Adm. Code 309.208; and

- the concentration of the radium in the residuals or sludge (dry weight basis) shall be determined by laboratory analysis; and

- the level of radium in the residuals or sludge and the application rate is such that, after the residuals or sludge is mixed with soil (for agricultural use), the cumulative increase of the total radium-226 and radium-228 combined concentration in the soil does not exceed 1.0 pCi/g (dry weight basis, an addition of 1778 microCi/acre); and

- this increased limit applies to the sum of all land applications of residuals or sludge on a specific parcel of land; and

- at no time shall the application of residuals or sludge result in the total radium concentration in the soil exceeding 3.0 pCi/g (the mean natural background as determined by the Agency of 2.0 pCi/g and the soil concentration increase limit of 1.0 pCi/g due to residuals or sludge application); and

- the landowner or an authorized agent of the landowner must acknowledge, on a form issued by the Agency, that he or she is aware that residuals or sludge containing radium is being applied to the land (this acknowledgement must be updated as landownership changes); and

- prior to using a parcel of land for the application of residuals or sludge containing radium for the first time, the generator must determine the total radium concentration in the soil using the soil sampling protocol specified below:

  - Soil sample collection shall be conducted so as to be representative of the entire sludge

application site. Soil Plow Zone − one soil sample shall be collected per 8 acres of sludge application site area to a depth of 12 inches. Each soil sample shall be taken as a homogenous mixture composed of at least 10 samples randomly collected within the 8 acre area; or

■ Sampling protocols in compliance with the 24th edition of the Illinois Agronomy Handbook as published by the University of Illinois Extension Service (with sampling depth increased to 12 inches) (Pubs Plus, 1917 South Wright Street, Champaign IL 61820, 217/333-2007, PubsPlus@illinois.edu, 2009); and

■ Testing protocol specified by the Agency; and

AGENCY NOTE: The Agency will develop and provide a guidance document on residuals and sludge sampling, acceptable analysis methods and Agency reporting requirements.

• lands used for the application must have a pH equal to or greater than 6.0, have a 6-inch soil layer with a minimum clay content of at least 18% within the top 5 feet and above bedrock and the groundwater level (as determined by the County Soil Survey Book), and a 6-inch layer with an organic content of at least 12 tons/acre within the top 5 feet and above bedrock and the groundwater level (as determined by site-specific testing); and

• lands receiving residuals or sludge containing radium shall not be used for the cultivation of tobacco; and

- when the cumulative increase of the radium concentration in the soil is determined by calculation to be 0.8 pCi/g or when the total radium in soil is calculated to be 2.8 pCi/g (based on initial testing and subsequent applications of residuals or sludge containing radium), the generator must repeat the soil sampling and analysis to determine the actual total radium concentration in the soil and report the findings to the Agency; and

- when calculating the increase in radium concentration, a soil density value of 90 pounds/cubic foot and a mixing depth of 1 foot should be used.

B) If the level of radium in the residuals or sludge is greater than 100 pCi/g (dry weight basis) and less than or equal to 200 pCi/g (dry weight basis):

i) in accordance with 32 Ill. Adm. Code 340.1020, the method of disposal must be reviewed and approved by IEMA-DNS in advance; and

ii) the residuals or sludge may be disposed of in a licensed low-level radioactive waste disposal facility.

5) By June 1, 2011, all persons applying water treatment residuals or sewage treatment sludge containing radium to land in Illinois must sample fields currently being used for land application using a sampling and testing protocol specified by the Agency to determine the total radium concentration of the soil and report the findings to the Agency. Any field that has a total radium concentration greater than 3.0 pCi/g may no longer be used for the land application of water treatment residuals or sewage treatment sludge containing radium.

6) On an annual basis, each person producing water treatment residuals or sewage treatment sludge containing radium must report, in a manner specified by the Agency, the following:

A) Persons who dispose of water treatment residuals or sewage treatment sludge containing radium in a landfill must report:

i) the quantity of residuals or sludge containing radium; and

ii) the concentration of radium (in pCi/g (dry weight basis)) contained in the residuals or sludge; and

iii) the date the residuals or sludge were disposed of in a landfill; and

iv) the name and location of the landfill receiving these residuals or sludge; and

v) any additional information deemed appropriate by the Agency.

B) Persons who land apply water treatment residuals or sewage treatment sludge containing radium must report:

i) the identification, location and background radium concentrations, as determined prior to use for land application, of the field receiving the land application of residuals or sludge containing radium; and

ii) the concentration of radium in pCi/g (dry weight basis) in the residuals or sludge; and

iii) the application rate in dry tons/acre; and

iv) the date of the land application; and

v) any additional information deemed appropriate by the Agency.

7) All analysis of residuals or sludge must be conducted by a laboratory certified by the U.S. Environmental Protection Agency or the National Environmental Laboratory Accreditation Conference (NELAC) to perform

radiological analysis, and concentration of radium will be determined by a method approved by the Agency.

8) Owners and operators of facilities that produce residuals or sludge that is land applied or disposed of in a landfill are not subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/4 and 13] and are not subject to the reporting requirements of Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste (32 Ill. Adm. Code 609) and Registration of Low-Level Radioactive Waste Generators (32 Ill. Adm. Code 620).

9) Owners and operators of facilities that produce residuals or sludge that is disposed of in a licensed low-level radioactive waste disposal facility are subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act and are subject to the reporting requirements of 32 Ill. Adm. Code 609 and 620.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days)

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

2) Code Citation: 74 Ill. Adm. Code 330

3) This Part contains no Section numbers or actions as it is a joint rule with CMS. The text of the rule appears at 74 Ill. Adm. Code 900.

4) Statutory Authority: Authorized by State Prompt Payment Act [30 ILCS 540]

5) Effective Date of Amendments: March 18, 2011

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments are not to expire prior to the end of the 150-day period unless the accompanying identical proposed amendments are adopted prior to the end of the 150-day period.

7) Date filed with the Index Department: March 18, 2011

8) These and other Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment amendments are on file and available in the Department of Central Management Services' Office of the General Counsel in Springfield.

9) Reasons for Emergency: Over the past several years, governments have encountered enormous fiscal challenges at the federal, State, and local levels. In Illinois at the end of June 2010, the backlog of unpaid bills and fund transfers with the Illinois Office of the Comptroller (IOC) stood at $4.712 billion, with an average delay in paying vouchers of 153 working days. As a result of the current cash flow deficit, the State of Illinois (the State) has been forced to delay payment to the majority of its vendors. The State's delay in payments have caused, and is continuing to cause, vendors to suffer their own cash flow deficits and, in some cases, to implement layoffs. This is a threat to the vendors' and the public's interest and welfare.

In November, 2010, the Illinois Department of Central Management Services (CMS) and then-Comptroller Hynes conducted a small pilot program with a few vendors from the Department of Human Services to determine the feasibility of a vendor assistance program. However, CMS was unable to pursue a full scale, permanent program due to the change in administration in the IOC and then-Comptroller Hynes' appropriate

deference to and decision not to bind the new IOC administration. Since Comptroller Topinka has taken office, CMS and the IOC have worked diligently to design a new program that will assist the State's vendors who continue to struggle due to the backlog of unpaid bills. This new program differs markedly from the previous pilot program insomuch that it is (i) State-wide and not restricted to just one State agency, (ii) the new emergency and permanent rule, which are being filed simultaneously, differ materially from and contain far more detail than the pilot program's emergency rule, and (iii) the terms for this program are significantly different from the pilot program's emergency rule, including incorporating the input of Comptroller Topinka's Office.

In order to address the emergency cash flow deficits and layoffs being encountered by some State vendors and to preserve State jobs and businesses, CMS and the IOC have developed a program in which one or more lenders would purchase one or more of a vendor's State receivables at full value, with 90% of the full value to be paid within 10 days, in return for an assignment of the eventual payment of that receivable and the Prompt Payment Act interest by the IOC. In order to proceed with this program and get immediate relief to these struggling vendors and their employees, the Prompt Payment rules must be amended to allow for the assignment or sale of receivables that can accrue prompt payment interest when such assignment or sale has been made pursuant to a vendor payment program approved by CMS and the IOC. This will protect the vendors from assigning or selling their receivables and any accompanying prompt payment interest to factoring companies and predatory lenders at significant discounts from the receivables' full value, and will allow vendors to receive payment on their outstanding vouchers in a more timely fashion. Allowing vendors to participate in this program and to avoid further damaging cash flow deficits and layoffs is necessary to address the current and continuing threat to the vendors', their employees', and the public's interest and welfare.

10) A Complete Description of the Subjects and Issues Involved: This Part is a joint rulemaking of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900. These emergency amendments revise 74 Ill. Adm. Code 900.120 (n) of the Prompt Payment rules. That Section currently disqualifies from prompt payment interest any underlying payment that has been assigned by a vendor to any third party. The amendments will allow for the payment of prompt payment interest for payments that have been assigned or sold to a third party if the assignment or sale is pursuant to a vendor payment program that is approved by the Department of Central Management Services and the Comptroller. These emergency amendments also create 74 Ill. Adm. Code 900.125 of the Prompt

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Payment rules. That Section sets forth vendor payment program procedures and policies, including explicit criteria as to which lenders may participate in the program.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objective: To provide immediate relief to State vendors and their employees who are struggling due to the current backlog of unpaid State bills. Additionally, these amendments will protect vendors from unscrupulous lenders who are currently demanding a percentage of the underlying principal payment due from the State. The amendments will allow vendors to receive the full amount of their underlying principal payment in return for an assignment of their prompt payment interest.

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

Alissa J. Camp
General Counsel
Office of the Comptroller
Room 201 Statehouse
Springfield, IL 62706

217/782-6000
CampAJ@mail.ioc.state.il.us

14) Do these amendments require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

The Source of the Emergency Amendments begins on the next page and the full text of the Emergency Amendments is identical to the text of the Department of Central Management Services Emergency Amendments that appears in this issue of the *Illinois Register* on page 5619 (This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900):

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLER

PART 330
JOINT RULES OF THE COMPTROLLER AND
THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

SOURCE: Emergency rule adopted at 17 Ill. Reg. 11170, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11521, effective July 11, 1994; amended at 24 Ill. Reg. 19123, effective December 18, 2000; amended at 25 Ill. Reg. 11358, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10981, effective July 1, 2002; amended at 26 Ill. Reg. 14678, effective September 19, 2002; amended at 31 Ill. Reg. 5836, effective March 29, 2007; emergency amendment at 34 Ill. Reg. 16593, effective October 8, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3840, effective February 16, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 5673, effective March 18, 2011, for a maximum of 150 days.

(Editor's Note: This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Number:	Peremptory Action:
310.APPENDIX A TABLE X	Amendment
310.APPENDIX A TABLE AA	Amendment

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table X to reflect two Memoranda of Understanding between the American Federation of State, County and Municipal Employees (AFSCME) and the State of Illinois for the Librarian II title and positions at the Criminal Justice Information Authority allocated to the Public Service Administrator (PSA) title Option 7, which is Law Enforcement/Correctional, signed March 1, 2011. The first Librarian II title Memorandum of Understanding (MOU) assigns RC-063-18 pay grade Pay Plan Code B rates effective October 22, 2010. Issued on October 22, 2010 was the Illinois Labor Relations Board (ILRB) State Panel Certification of Representative (Case No. S-RC-11-064) assigning the classification Librarian II to the RC-063 bargaining unit with no position excluded. The second PSA title Option 7 MOU assigns positions at the Criminal Justice Information Authority to RC-063-24 pay grade Pay Plan Code B rates effective November 16, 2010. Issued on November 16, 2010 was the ILRB State Panel Certification of Representative (Case No. S-RC-10-028) assigning the classification Public Service Administrator, Option 7 (employed at Criminal Justice Information Authority) to the RC-063 bargaining unit with no position excluded.

CMS is amending Section 310.Appendix A Table AA to reflect the MOU between Teamsters Local 916 (NR-916 bargaining unit) and the State of Illinois, CMS, for positions with end-user computer services specialist I and II, and end-user computer systems analyst functions allocated to the interim PSA title Option 9T, which is Teamster Management Information Systems, effective December 30, 2009 through but not including February 1, 2011, and End-User Computer Services Specialist I and II, and End-User Computer Systems Analyst titles effective February 1, 2011. The titles are assigned the NR-916 pay ranges in the MOU and the employees receive the increases provided in the Agreement by and between the Teamsters Local 916 and the Illinois Departments of CMS, Transportation and Natural Resources July 1, 2008 to June 30, 2012 signed January 6, 2009. The employees receive: 2% general increase and 3% increase, if the employee has been in the title for 5 years or more and is below the mid-

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NOTICE OF PEREMPTORY AMENDMENT

range of pay for the title, effective January 1, 2010; 2% general increase effective July 1, 2010; 2% general increase and 3% increase, if the employee has been in the title for 5 years or more and is below the mid-range of pay for the title, effective January 1, 2011; and 4% general increase effective July 1, 2011. The emergency amendment at 35 Ill. Reg. 5673, effective March 15, 2011, remains in effect for Section 310.Appendix A Table AA.

5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

6) Effective Date: March 18, 2011

7) A Complete Description of the Subjects and Issues Involved: In Section 310.Apendix A Table X, the Librarian II, its title code 23402, bargaining unit RC-063 and pay grade 18 are added to the title table. The Option 7 (Criminal Justice Information Authority) is added to the other options in the title table assigned to the RC-063-24 pay grade. Option 7 is also added to the Note following the title table.

In Section 310.Appendix A Table AA, the title and rate tables effective December 1, 2009, January 1, 2011 and February 1, 2011 are added with the titles, title codes, bargaining unit, pay plan code, and minimum and maximum salaries for the assigned range. The titles, title codes, bargaining unit, pay plan code, and minimum and maximum salaries for the assigned ranges effective January 1, 2010 are added to the title and rate table effective the same date.

8) Does this rulemaking contain an automatic repeal date? No

9) Date filed with the Index Department: March 18, 2011

10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes

12) Are there any other proposed amendments pending on this Part? Yes

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Section Numbers:	Proposed Action:	Ill. Reg. Citation:
310.210	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table C	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table G	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table K	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table L	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table P	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table Q	Amendment	35 Ill. Reg. 678; January 14, 2011
310.47		35 Ill. Reg. 2841; February 18, 2011
310.Appendix A Table AA	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.495	Amendment	35 Ill. Reg. 3874; March 4, 2011
310.Appendix A Table N	Amendment	35 Ill. Reg. 3874; March 4, 2011
310.50	Amendment	35 Ill. Reg. 5673; March 15, 2011
310.Appendix A Table AA	Amendment	35 Ill. Reg. 5673; March 15, 2011

13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

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

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.45 Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47 In-Hiring Rate
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes (Repealed)
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240 Daily or Hourly Rate Conversion
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate

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310.270 Legislated Rate
310.280 Designated Rate
310.290 Out-of-State Rate (Repealed)
310.295 Foreign Service Rate (Repealed)
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.415 Merit Compensation Salary Range Assignments
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases and Bonuses
310.455 Intermittent Merit Increase (Repealed)
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units (Repealed)
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase and Bonus Guidechart
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

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	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)

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310.APPENDIX C Medical Administrator Rates (Repealed)
310.APPENDIX D Merit Compensation System Salary Schedule
310.APPENDIX E Teaching Salary Schedule (Repealed)
310.APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory

amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg.

3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

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effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg.

13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28

Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3,

2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34

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Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; peremptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5673, effective March 15, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011.

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE X RC-063 (Professional Employees, AFSCME)

Title	Title Code	Bargaining Unit	Pay Grade
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23

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Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Librarian II	23402	RC-063	18
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19

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Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Option 8I Department of Natural Resources	37015	RC-063	22
Public Service Administrator, Option 8P Department of Human Services	37015	RC-063	26
Public Service Administrator, Option 8U Department of Human Services	37015	RC-063	21
Public Service Administrator, Options 1, 3, 4, 6E, 7 (Criminal Justice Information Authority), 8A (Department of Public Health), 8E, 8N, and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade have the following options: 1; 3; 4; 6E; 7; 8A; 8D; 8E; 8H; 8I; 8N; 8P; 8T; 8U and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to the negotiated pay grade have the option 8P. See the definition of option in Section 310.50.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Effective July 1, 2010
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	STEPS 1a	1	2	3	4	5	6	7	8
14	B	3457	3549	3684	3828	3996	4141	4298	4549	4731
14	Q	3601	3700	3841	3998	4170	4328	4492	4754	4943
14	S	3669	3768	3917	4069	4246	4403	4570	4829	5021
15	B	3593	3690	3853	4012	4168	4339	4500	4771	4960
15	Q	3745	3850	4019	4186	4355	4536	4703	4983	5184
15	S	3816	3922	4094	4260	4433	4613	4778	5062	5264
16	B	3755	3862	4035	4215	4388	4573	4755	5036	5237
16	Q	3920	4031	4215	4405	4588	4777	4969	5265	5476
16	S	3995	4108	4290	4482	4668	4854	5048	5338	5551
17	B	3932	4048	4233	4429	4617	4804	4998	5295	5508
17	Q	4106	4223	4426	4629	4822	5018	5223	5533	5756
17	S	4180	4299	4503	4707	4902	5095	5298	5615	5838
18	B	4135	4259	4464	4673	4885	5083	5288	5603	5828
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091
18	S	4399	4524	4743	4960	5183	5392	5606	5932	6170
19	B	4356	4488	4718	4940	5168	5387	5612	5953	6191
19	Q	4555	4690	4931	5159	5406	5630	5866	6220	6469
19	S	4634	4770	5009	5239	5481	5709	5945	6296	6549
20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845
20	S	4890	5035	5283	5526	5785	6032	6280	6656	6922
21	B	4862	5008	5266	5520	5777	6041	6292	6685	6952

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

21	Q	5080	5234	5505	5767	6039	6314	6578	6986	7265
21	S	5157	5312	5578	5844	6117	6390	6653	7063	7347
22	B	5143	5294	5570	5842	6119	6402	6667	7083	7366
22	Q	5372	5531	5822	6108	6393	6689	6970	7401	7696
22	S	5450	5612	5896	6184	6469	6767	7050	7480	7779
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208
23	S	5777	5948	6257	6575	6882	7196	7504	7971	8288
24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389
24	Q	6066	6248	6581	6923	7256	7588	7933	8431	8768
24	S	6141	6326	6655	6998	7332	7667	8011	8506	8847
25	B	6185	6371	6719	7073	7427	7779	8134	8655	9002
25	Q	6461	6656	7022	7389	7763	8133	8500	9046	9408
25	S	6544	6735	7099	7466	7838	8206	8574	9122	9488
26	B	6540	6798	7170	7551	7934	8303	8676	9236	9605
26	Q	6849	7126	7512	7910	8310	8699	9087	9676	10063
26	S	6913	7193	7584	7987	8390	8781	9175	9772	10162
27	B	6910	7257	7652	8056	8464	8861	9259	9857	10252
27	Q	7224	7586	7998	8420	8850	9263	9679	10305	10717

Effective January 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	STEPS 1a	1	2	3	4	5	6	7	8
14	B	3492	3584	3721	3866	4036	4182	4341	4594	4778
14	Q	3637	3737	3879	4038	4212	4371	4537	4802	4992
14	S	3706	3806	3956	4110	4288	4447	4616	4877	5071

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

15	B	3629	3727	3892	4052	4210	4382	4545	4819	5010
15	Q	3782	3889	4059	4228	4399	4581	4750	5033	5236
15	S	3854	3961	4135	4303	4477	4659	4826	5113	5317
16	B	3793	3901	4075	4257	4432	4619	4803	5086	5289
16	Q	3959	4071	4257	4449	4634	4825	5019	5318	5531
16	S	4035	4149	4333	4527	4715	4903	5098	5391	5607
17	B	3971	4088	4275	4473	4663	4852	5048	5348	5563
17	Q	4147	4265	4470	4675	4870	5068	5275	5588	5814
17	S	4222	4342	4548	4754	4951	5146	5351	5671	5896
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
18	S	4443	4569	4790	5010	5235	5446	5662	5991	6232
19	B	4400	4533	4765	4989	5220	5441	5668	6013	6253
19	Q	4601	4737	4980	5211	5460	5686	5925	6282	6534
19	S	4680	4818	5059	5291	5536	5766	6004	6359	6614
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
20	S	4939	5085	5336	5581	5843	6092	6343	6723	6991
21	B	4911	5058	5319	5575	5835	6101	6355	6752	7022
21	Q	5131	5286	5560	5825	6099	6377	6644	7056	7338
21	S	5209	5365	5634	5902	6178	6454	6720	7134	7420
22	B	5194	5347	5626	5900	6180	6466	6734	7154	7440
22	Q	5426	5586	5880	6169	6457	6756	7040	7475	7773
22	S	5505	5668	5955	6246	6534	6835	7121	7555	7857
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937
23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

23	S	5835	6007	6320	6641	6951	7268	7579	8051	8371
24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473
24	Q	6127	6310	6647	6992	7329	7664	8012	8515	8856
24	S	6202	6389	6722	7068	7405	7744	8091	8591	8935
25	B	6247	6435	6786	7144	7501	7857	8215	8742	9092
25	Q	6526	6723	7092	7463	7841	8214	8585	9136	9502
25	S	6609	6802	7170	7541	7916	8288	8660	9213	9583
26	B	6605	6866	7242	7627	8013	8386	8763	9328	9701
26	Q	6917	7197	7587	7989	8393	8786	9178	9773	10164
26	S	6982	7265	7660	8067	8474	8869	9267	9870	10264
27	B	6979	7330	7729	8137	8549	8950	9352	9956	10355
27	Q	7296	7662	8078	8504	8939	9356	9776	10408	10824

Effective June 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	STEPS 1a	1	2	3	4	5	6	7	8
14	B	3562	3656	3795	3943	4117	4266	4428	4686	4874
14	Q	3710	3812	3957	4119	4296	4458	4628	4898	5092
14	S	3780	3882	4035	4192	4374	4536	4708	4975	5172
15	B	3702	3802	3970	4133	4294	4470	4636	4915	5110
15	Q	3858	3967	4140	4313	4487	4673	4845	5134	5341
15	S	3931	4040	4218	4389	4567	4752	4923	5215	5423
16	B	3869	3979	4157	4342	4521	4711	4899	5188	5395
16	Q	4038	4152	4342	4538	4727	4922	5119	5424	5642
16	S	4116	4232	4420	4618	4809	5001	5200	5499	5719

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

17	B	4050	4170	4361	4562	4756	4949	5149	5455	5674
17	Q	4230	4350	4559	4769	4967	5169	5381	5700	5930
17	S	4306	4429	4639	4849	5050	5249	5458	5784	6014
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
18	S	4532	4660	4886	5110	5340	5555	5775	6111	6357
19	B	4488	4624	4860	5089	5324	5550	5781	6133	6378
19	Q	4693	4832	5080	5315	5569	5800	6044	6408	6665
19	S	4774	4914	5160	5397	5647	5881	6124	6486	6746
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
20	S	5038	5187	5443	5693	5960	6214	6470	6857	7131
21	B	5009	5159	5425	5687	5952	6223	6482	6887	7162
21	Q	5234	5392	5671	5942	6221	6505	6777	7197	7485
21	S	5313	5472	5747	6020	6302	6583	6854	7277	7568
22	B	5298	5454	5739	6018	6304	6595	6869	7297	7589
22	Q	5535	5698	5998	6292	6586	6891	7181	7625	7928
22	S	5615	5781	6074	6371	6665	6972	7263	7706	8014
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23	S	5952	6127	6446	6774	7090	7413	7731	8212	8538
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642
24	Q	6250	6436	6780	7132	7476	7817	8172	8685	9033
24	S	6326	6517	6856	7209	7553	7899	8253	8763	9114
25	B	6372	6564	6922	7287	7651	8014	8379	8917	9274
25	Q	6657	6857	7234	7612	7998	8378	8757	9319	9692
25	S	6741	6938	7313	7692	8074	8454	8833	9397	9775

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

26	B	6737	7003	7387	7780	8173	8554	8938	9515	9895
26	Q	7055	7341	7739	8149	8561	8962	9362	9968	10367
26	S	7122	7410	7813	8228	8643	9046	9452	10067	10469
27	B	7119	7477	7884	8300	8720	9129	9539	10155	10562
27	Q	7442	7815	8240	8674	9118	9543	9972	10616	11040

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 5677, effective March 18, 2011)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE AA NR-916 (Departments of Natural Resources and Transportation, Teamsters)

				Effective August 17, 2009	
Title	**Title Code**	**Bargaining Unit**	**Pay Plan Code**	**Minimum Salary**	**Maximum Salary**
Highway Construction Supervisor I	18525	NR-916	B	3626	6495

				Effective November 25, 2009	
Title	**Title Code**	**Bargaining Unit**	**Pay Plan Code**	**Minimum Salary**	**Maximum Salary**
Highway Construction Supervisor II	18526	NR-916	B	4058	7508

				Effective December 30, 2009	
Title	**Title Code**	**Bargaining Unit**	**Pay Plan Code**	**Minimum Salary**	**Maximum Salary**
Public Service Administrator, Option 9T (end-user computer services specialist I function)	37015	NR-916	B	3500	6245
Public Service Administrator, Option 9T (end-user computer services specialist II function)	37015	NR-916	B	3985	7085
Public Service Administrator, Option 9T (end-user computer systems analyst function)	37015	NR-916	B	4280	7820

				Effective January 1, 2010	
Title	**Title Code**	**Bargaining Unit**	**Pay Plan Code**	**Minimum Salary**	**Maximum Salary**

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Highway Construction Supervisor I	18525	NR-916	B	3795	6790
Highway Construction Supervisor II	18526	NR-916	B	4245	7850
Cartographer III	06673	NR-916	B	4165	7405
Civil Engineer I	07601	NR-916	B	4050	6255
Civil Engineer II	07602	NR-916	B	4325	7170
Civil Engineer III	07603	NR-916	B	4750	8035
Civil Engineer Trainee	07607	NR-916	B	3815	5320
Engineering Technician I	13731	NR-916	B	2355	4225
Engineering Technician II	13732	NR-916	B	2825	5075
Engineering Technician III	13733	NR-916	B	3420	6045
Engineering Technician IV	13734	NR-916	B	4190	7835
Public Service Administrator, Option 9T (end-user computer services specialist I function)	37015	NR-916	B	3660	6530
Public Service Administrator, Option 9T (end-user computer services specialist II function)	37015	NR-916	B	4165	7405
Public Service Administrator, Option 9T (end-user computer systems analyst function)	37015	NR-916	B	4475	8175
Technical Manager I	45261	NR-916	B	3215	5710

				Effective January 1, 2011	
Title	**Title Code**	**Bargaining Unit**	**Pay Plan Code**	**Minimum Salary**	**Maximum Salary**
Public Service Administrator, Option 9T (end-user computer services specialist I function)	37015	NR-916	B	3810	6795
Public Service Administrator, Option 9T (end-user	37015	NR-916	B	4335	7705

computer services specialist II function)					
Public Service Administrator, Option 9T (end-user computer systems analyst function)	37015	NR-916	B	4655	8505

				Effective February 1, 2011	
Title	**Title Code**	**Bargaining Unit**	**Pay Plan Code**	**Minimum Salary**	**Maximum Salary**
End-User Computer Services Specialist I	13691	NR-916	B	3810	6795
End-User Computer Services Specialist II	13692	NR-916	B	4335	7705
End-User Computer Systems Analyst	13693	NR-916	B	4655	8505

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 5677, effective March 18, 2011)

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 March 15, 2011 through March 21, 2011 and have been scheduled for review by the Committee at its April 12, 2011 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
4/28/11	Secretary of State, School Bus Driver Permit (92 Ill. Adm. Code 1035)	12/27/10 34 Ill. Reg. 19840	4/12/11
5/1/11	State Board of Education, School Construction Program (23 Ill. Adm. Code 151)	1/3/11 35 Ill. Reg. 187	4/12/11
5/1/11	Department of Human Services, Child Care (89 Ill. Adm. Code 50)	7/16/10 34 Ill. Reg. 9701	4/12/11
5/1/11	Department of Human Services, Office of Inspector General Adults with Disabilities Abuse Project (59 Ill. Adm. Code 51)	12/3/10 34 Ill. Reg. 18949	4/12/11
5/1/11	Department of Human Services, Illinois AmeriCorps Program (77 Ill. Adm. Code 2250)	10/1/10 34 Ill. Reg 13733	4/12/11
5/1/11	Pollution Control Board, Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)	12/27/10 34 Ill. Reg. 19830	4/12/11
5/1/11	Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)	1/14/11 35 Ill. Reg. 687	4/12/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/1/11	Department of Human Services, Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)	1/14/11 35 Ill. Reg. 709	4/12/11
5/4/11	Department of Public Health, Physical Fitness Facility Medical Emergency Preparedness Code (77 Ill. Adm. Code 527)	1/21/11 35 Ill. Reg. 1331	4/12/11

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 14 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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