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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance

2) Code Citation: 50 Ill. Adm. Code 2008

3)

Section Numbers:	Proposed Action:
Section 2008.10	Amendment
Section 2008.40	Amendment
Section 2008.50	Amendment
Section 2008.60	Amendment
Section 2008.70	Amendment
Section 2008.71	Amendment
Section 2008.72	Amendment
Section 2008.73	Amendment
Section 2008.74	Amendment
Section 2008.75	Amendment
Section 2008.80	Amendment
Section 2008.81	Amendment
Section 2008.90	Amendment
Section 2008.100	Amendment
Section 2008.102	Amendment
Section 2008.APPENDIX B	Amendment
Section 2008.APPENDIX C	Amendment
Section 2008.APPENDIX D	Amendment
Section 2008.APPENDIX E	Amendment
Section 2008.APPENDIX F	Amendment
Section 2008.APPENDIX G	Amendment
Section 2008.APPENDIX H	Amendment
Section 2008.APPENDIX I	Amendment
Section 2008.APPENDIX J	Amendment
Section 2008.APPENDIX K	Amendment
Section 2008.APPENDIX L	Amendment
Section 2008.APPENDIX M	Renumbered, New Section
Section 2008.APPENDIX N	Renumbered, New Section
Section 2008.APPENDIX O	Renumbered
Section 2008.APPENDIX P	Renumbered
Section 2008.APPENDIX Q	Renumbered
Section 2008.APPENDIX R	Renumbered, Amend
Section 2008.APPENDIX S	Renumbered, Amend

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 2008.APPENDIX T	Renumbered
Section 2008.APPENDIX U	Renumbered
Section 2008.APPENDIX V	Renumbered, Amend

4) Statutory Authority: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].

5) A Complete Description of the Subjects and Issues Involved: With passage of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), there is an immediate need for states to amend their Medigap regulations in order to maintain certification of their regulatory programs. The regulatory framework for Medigap insurance is complex, but states will retain authority over this insurance product provided that their respective regulatory programs meet the minimum standards set forth by both the NAIC Medicare Supplement Insurance Minimum Standards Model Act (model Act) and its companion Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act (model regulation) as authorized by federal law.

MMA impacts state Medigap regulations in many significant ways. For example, prescription drug benefits have been stripped from standard Medigap plans H, I, J and J with a high deductible (and prestandardized plans with prescription drug coverage, and waivered state plans with prescription drug coverage) for current Medigap prescription drug plan insureds who choose to enroll in the new Medicare prescription drug program (Part D) after December 31, 2005. Issuers of Medigap plans H, I, J and J with a high deductible will be prohibited from offering prescription drug benefits to new enrollees after December 31, 2005.

In addition, two new Medigap Plans, “K” and “L,” featuring reduced first-dollar coverage, have been added to the current 10 + 2 standardized plans. Finally, other corresponding housekeeping changes have been made to Part 2008 as required for compliance with MMA.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

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NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) 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:

Eve Blackwell-Lewis, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-2867

or

Barb Smith, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-0813

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: No new requirements are being added to the existing regulatory requirements.

C) Types of professional skills necessary for compliance: Administrative

13) Regulatory Agenda on which this amendment was summarized: July 2004

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION ~~INSURANCE~~
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2008
MINIMUM STANDARDS FOR INDIVIDUAL
AND GROUP MEDICARE SUPPLEMENT INSURANCE

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2008.10 Authority
2008.20 Purpose
2008.30 Applicability and Scope
2008.40 Definitions

SUBPART B: COVERAGE, POLICY & BENEFIT PROVISIONS

2008.45 Creditable Coverage
2008.50 Policy Definitions and Terms
2008.60 Policy Provisions
2008.61 Benefit Conversion Requirements During Transition (Repealed)
2008.70 Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to the Effective Date of this Part
2008.71 Benefit Standards for Policies or Certificates Issued or Delivered on or After the Effective Date of this Part
2008.72 Standard Medicare Supplement Benefit Plans
2008.73 Medicare Select Policies and Certificates

SUBPART C: ENROLLMENT & ELIGIBILITY

2008.74 Open Enrollment
2008.75 Guaranteed Issue for Eligible Persons

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2008.76 Standards for Claims Payment
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2008.81 Filing and Approval of Policies and Certificates and Premium Rates
2008.82 Permitted Compensation Arrangements
2008.90 Required Disclosure Provisions
2008.91 Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare
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2008.101 Standards for Marketing
2008.102 Appropriateness of Recommended Purchase and Excessive Insurance

SUBPART F: REPORTING & PROHIBITIONS

2008.103 Reporting of Multiple Policies
2008.104 Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates

SUBPART G: MISCELLANEOUS PROVISIONS

2008.110 Severability
2008.120 Effective Date (Repealed)

2008.APPENDIX A Policy Checklist
2008.APPENDIX B Outline of Medicare Supplement Coverage – Cover Page
2008.APPENDIX C Plan A
2008.APPENDIX D Plan B
2008.APPENDIX E Plan C
2008.APPENDIX F Plan D
2008.APPENDIX G Plan E
2008.APPENDIX H Plan F or High Deductible Plan F**
2008.APPENDIX I Plan G
2008.APPENDIX J Plan H
2008.APPENDIX K Plan I
2008.APPENDIX L Plan J or High Deductible Plan J**
2008.APPENDIX M Plan K~~Notice to Applicant Regarding Replacement of Accident and Sickness Insurance~~
2008.APPENDIX N Plan L~~Medicare Supplement Refund Calculation Format~~

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NOTICE OF PROPOSED AMENDMENTS

2008.APPENDIX O	Notice of Medicare Changes (Renumbered)
2008.APPENDIX P	Medicare Supplement Policies Report (Renumbered)
2008.APPENDIX Q	Disclosure Statements (Renumbered)
2008.APPENDIX R	Notice to Applicant Regarding Replacement of Medicare Supplement Insurance or Medicare Advantage
2008.APPENDIX S	Medicare Supplement Refund Calculation Format
2008.APPENDIX T	Notice of Medicare Changes
2008.APPENDIX U	Medicare Supplement Policies Report
2008.APPENDIX V	Disclosure Statements

AUTHORITY: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].

SOURCE: Adopted at 6 Ill. Reg. 7115, effective June 1, 1982 and January 1, 1983; codified at 7 Ill. Reg. 3474; emergency amendment at 13 Ill. Reg. 586, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8520, effective May 23, 1989; amended at 14 Ill. Reg. 19243, effective November 27, 1990; amended at 16 Ill. Reg. 2766, effective February 11, 1992; corrected at 16 Ill. Reg. 3590; amended at 16 Ill. Reg. 15452, effective September 29, 1992; emergency amendment at 16 Ill. Reg. 19226, effective December 1, 1992, for a maximum of 150 days; emergency expired April 29, 1993; amended at 17 Ill. Reg. 11469, effective July 9, 1993; amended at 20 Ill. Reg. 6393, effective April 28, 1996; amended at 23 Ill. Reg. 3704, effective March 10, 1999; amended at 23 Ill. Reg. 14700, effective January 1, 2000; amended at 24 Ill. Reg. 19151, effective January 1, 2001; amended at 25 Ill. Reg. 7886, effective June 18, 2001; amended at 26 Ill. Reg. 5130, effective March 25, 2002; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2008.10 Authority

This Part is issued by the Director of the Department of Financial and Professional Regulation-Division of Insurance (Director) pursuant to Section 401 of the Illinois Insurance Code [215 ILCS 5/401] which empowers the Director to make reasonable rules and regulations as may be necessary for making effective the insurance laws of this State. This Part implements Sections 363 and 363a of the Illinois Insurance Code [215 ILCS 5/363 and 363a].

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.40 Definitions

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NOTICE OF PROPOSED AMENDMENTS

For the purposes of this Part:

Applicant means:

in the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and

in the case of a group Medicare supplement policy, the proposed certificateholder (Section 363(2)(a) of the Code).

Bankruptcy means when a Medicare Advantage~~Medicare+Choice~~ organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in this State.

Certificate means *any certificate delivered or issued for delivery in this State under a group Medicare supplement policy* (Section 363(2)(b) of the Code).

Certificate Form means the form on which the certificate is delivered or issued for delivery by the issuer.

Continuous Period of Creditable Coverage means the period during which an individual was covered by creditable coverage, if during the period of coverage the individual had no breaks in coverage greater than 63 days.

Code means the Illinois Insurance Code [215 ILCS 5]~~and any of the Acts in Chapter 215 of the Illinois Compiled Statutes~~.

Department means the Illinois Department of Financial and Professional Regulation.

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

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

Employee Welfare Benefit Plan means a plan, fund or program of employee benefits as defined in 29 USC 1002 (Employee Retirement Income Security Act).

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Insolvency means when an issuer, licensed to transact the business of insurance in this State, has had a final order of liquidation entered against it with a finding of insolvency by a court of competent jurisdiction in the issuer's state of domicile.

Issuer includes insurance companies, fraternal benefit societies, health care service plans, and any other entity delivering or issuing for delivery in this State Medicare supplement policies or certificates.

Medicare means the Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

Medicare Advantage~~Medicare+Choice~~ Plan means a plan of coverage for health benefits under Medicare Part C as defined in Section 1395w-28(b)(1) of the Social Security Act (42 USC 1395w-28(b)(1)), and includes:

Coordinated care plans which provide health care services, including but not limited to health maintenance organization plans (with or without a point-of-service option) and preferred provider organization plans;

Medicare medical savings account plans coupled with a contribution into a Medicare Advantage~~Medicare+Choice~~ medical savings account; and

Medicare Advantage~~Medicare+Choice~~ private fee-for-service plans.

Medicare Supplement Policy means a group or individual policy of (accident and sickness) insurance or a subscriber contract (of hospital and medical service associations) other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 USC 1395 et seq.) or an issued policy under a demonstration project specified in 42 USC Section 1395ss(g)(1) which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare (Section 363(2)(c) of the Code).

Policy Form means the form on which the policy is delivered or issued for delivery by the issuer.

Secretary means the Secretary of the United States Department of Health and Human Services.

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DIVISION OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART B: COVERAGE, POLICY & BENEFIT PROVISIONS

Section 2008.50 Policy Definitions and Terms

No policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy or certificate unless such policy or certificate contains definitions or terms which conform to the requirements of this Section.

"Accident," "Accidental Injury" or "Accidental Means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while the insurance is in force."

Such definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no fault plan, unless prohibited by law.

"Benefit Period" or "Medicare Benefit Period" shall not be defined more restrictively than as defined in the Medicare program.

"Convalescent Nursing Home," "Extended Care Facility," or "Skilled Nursing Facility" shall not be defined more restrictively than as defined in the Medicare program.

"Duplication of Insurance" means a transaction wherein new accident and health insurance is to be purchased and it is known to the producer or should be known to the producer or the issuer, in the case of a direct response solicitation, that the new insurance will provide some of the benefits or coverages which the proposed insured already has under existing accident and health insurance.

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"Health Care Expenses", for purposes of Section 2008.80, means expenses of a nonprofit health, hospital or medical service corporation, prepaid health plan or similar organization associated with the delivery of health care services in which providers of the health care services are reimbursed for such services on an other than fee for service basis which are analogous to incurred losses of insurers. ~~Such expenses shall not include:~~

~~Home office and overhead costs,~~
~~Advertising costs,~~
~~Commissions and other acquisition costs,~~
~~Taxes,~~
~~Capital costs,~~
~~Administrative costs, and~~
~~Claims processing costs.~~

"Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals but not more restrictively than as defined in the Medicare program.

"Medicare" shall be defined in the policy and certificate as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then constituted or later amended", or "Title I, Part I of Public Law 89-97, as enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof", or words of similar import.

"Medicare Eligible Expenses" shall mean expenses of the kinds covered by Medicare Parts A and B, to the extent recognized as reasonable and medically necessary by Medicare.

"Over-Insurance" means "duplication" of insurance to such extent that the combination of the existing insurance and the proposed insurance would substantially exceed any loss reasonably expected to be incurred.

"Physician" shall not be defined more restrictively than as defined in the Medicare program.

"Sickness" shall not be defined more restrictively than the following: "Sickness

means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.60 Policy Provisions

a) Except for permitted preexisting condition clauses as described in Section 2008.70(a)(1) and Section 2008.71(a)(1) of this Part, no policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy if such policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

b) No Medicare supplement policy or certificate may use waivers to exclude, limit, or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

c) No Medicare supplement policy or certificate in force in the State shall contain benefits which duplicate benefits provided by Medicare.

d) Subject to Sections 2008.70(a)(4), (5) and (7) and 2008.71(a)(4) and (5):

1) A Medicare supplement policy with benefits for outpatient prescription drugs in existence prior to January 1, 2006 shall be renewed for current policyholders who do not enroll in Part D at the option of the policyholder.

2) A Medicare supplement policy with benefits for outpatient prescription drugs shall not be issued after December 31, 2005.

3) After December 31, 2005, a Medicare supplement policy with benefits for outpatient prescription drugs will not be renewed after the policyholder enrolls in Medicare Part D unless:

A) The policy is modified to eliminate outpatient prescription coverage for expenses of outpatient prescription drugs incurred after the effective date of the individual's coverage under a Part D

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plan; and

B) Premiums are adjusted to reflect the elimination of outpatient prescription drug coverage at the time of Medicare Part D enrollment, accounting for any claims paid, if applicable.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.70 Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to the Effective Date of this Part

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this State prior to June 1, 1982. No policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

a) General Standards.
The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this Part.

1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than 6 months from the effective date of coverage because the losses involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than as a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

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4) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy shall not:

A) Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium, or

B) Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.

5) An insurer shall:

A) Except as authorized by the Director~~ of Insurance for this State~~, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

B) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subsection (a)(5)(D), the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

i) an individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and

ii) an individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in Section 2008.71(b) of this Part.

C) If a membership in a group is terminated, the issuer shall:

i) offer the certificateholder such conversion opportunities as are described in subsection (a)(5)(B); or

ii) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group

policy.

D) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

7) If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection (a).

b) Minimum Benefit Standards.

1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90% of all Medicare Part A eligible

expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

5) Coverage under Medicare Part A for the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

6) Coverage for the coinsurance amount or, in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible ($100);

7) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) (42 CFR 409.87(a) 1988, no subsequent dates or editions) unless replaced in accordance with federal regulations (42 CFR 409.87(b) 1988, no subsequent dates or editions) or already paid for under Part A, subject to the Medicare deductible amount.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.71 Benefit Standards for Policies or Certificates Issued or Delivered on or After the Effective Date of this Part

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this State on or after the effective date of this Part. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it complies with these benefit standards.

a) General Standards
The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this Part.

1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than 6 months from the effective date of coverage because the losses involved a preexisting condition. The policy

or certificate may not define a preexisting condition more restrictively than as a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

4) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

5) Each Medicare supplement policy shall be guaranteed renewable and:

A) The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual;

B) The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation;

C) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Section 2008.71(a)(5)(E), the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):

i) Provides for continuation of the benefits contained in the group policy, or

ii) Provides for such benefits as otherwise meet the requirements of this subsection;

D) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

i) Offer the certificateholder the conversion opportunity described in Section 2008.71(a)(5)(C), or

ii) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy;~~and~~

E) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and~~.~~

F) If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection (a)(5).

6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

7) A Medicare supplement policy or certificate shall provide:

A) That benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed 24 months) in which the policyholder or

certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of such policy or certificate within 90 days after the date the individual becomes entitled to such assistance.

B) If such suspension occurs and if the policyholder or certificateholder loses entitlement to such medical assistance, such policy or certificate shall be automatically reinstituted (effective as of the date of termination of such entitlement) as of the termination of such entitlement if the policyholder or certificateholder provides notice of loss of such entitlement within 90 days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of such entitlement.

C) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226(b) of the Social Security Act and is covered under a group health plan as defined in Section 1862(b)(1)(A)(v) of the Social Security Act. If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstituted (effective as of the date of loss of such coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of such loss.

D) Reinstitution of such coverages as described in subsections (a)(7)(B) and (C):

i) Shall not provide for any waiting period with respect to treatment of preexisting conditions;

ii) Shall provide for resumption of coverage that~~which~~ is substantially equivalent to coverage in effect before the date of the~~such~~ suspension. If the suspended Medicare supplement policy provided coverage for outpatient prescription drugs, reinstitution of the policy for Medicare Part D enrollees shall be without coverage for outpatient

prescription drugs and shall otherwise provide substantially equivalent coverage to the coverage in effect before the date of suspension; and

iii) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

b) Standards for Basic ("Core") Benefits Common to ~~All~~ Benefit Plans A-J
Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic "core" package, but not in lieu thereof.

1) Coverage of Part A Medicare Eligible Expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

2) Coverage of Part A Medicare Eligible Expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

3) Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate,~~Diagnostic Related Group (DRG) day outlier per diem~~ or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days;

4) Coverage under Medicare Parts A and B for the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

5) Coverage for the coinsurance amount (or in the case of hospital outpatient department services paid under a prospective payment system, the

copayment amount) of Medicare Eligible Expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

c) Standards for Additional Benefits
The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Section 2008.72 of this Part.

1) Medicare Part A Deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.

2) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.

3) Medicare Part B Deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

4) Eighty Percent of the Medicare Part B Excess Charges: Coverage for 80% of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or State law, and the Medicare-approved Part B charge.

5) One Hundred Percent of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or State law, and the Medicare-approved Part B charge.

6) Basic Outpatient Prescription Drug Benefit: Coverage for 50% of outpatient prescription drug charges, after a $250 calendar year deductible, to a maximum of $1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

7) Extended Outpatient Prescription Drug Benefit: Coverage for 50% of outpatient prescription drug charges, after a $250 calendar year deductible to a maximum of $3,000 in benefits received by the insured per calendar

year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

8) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for 80% of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of $250, and a lifetime maximum benefit of $50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or illness of sudden and unexpected onset.

9) Preventive Medical Care Benefit: Coverage for the following preventive health services not covered by Medicare:

A) An annual clinical preventive medical history and physical examination that may include tests and services from subsection (c)(9)(B)~~below~~ and patient education to address preventive health care measures; and~~.~~

B) Preventive~~Any one or a combination of the following preventive~~ screening tests or preventive services, the selection and frequency of which is determined to be~~considered~~ medically appropriate by the attending physician;~~:~~

~~i) Digital rectal examination;~~

~~ii) Dipstick urinalysis for hematuria, bacteriuria and proteinauria;~~

~~iii) Pure tone (air only) hearing screening test, administered or ordered by a physician;~~

~~iv) Serum cholesterol screening (every 5 years);~~

~~v) Thyroid function test;~~

~~vi) Diabetes screening.~~

~~C) Tetanus and Diphtheria booster (every 10 years).~~

~~D) Any other tests or preventive measures determined appropriate by the attending physician.~~

C~~E~~) Reimbursement shall be for the actual charges up to 100% of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of $120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

10) At-Home Recovery Benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

A) For purposes of this benefit, the following definitions shall apply:

i) "Activities of daily living" include but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

ii) "Care provider" means a duly qualified or licensed home health aide/homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

iii) "Home" shall mean any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

iv) "At-home recovery visit" means the period of a visit

required to provide at home recovery care, without limit on the duration of the visit, except each consecutive 4 hours in a 24-hour period of services provided by a care provider is one visit.

B) Coverage Requirements and Limitations

i) At-home recovery services provided must be primarily services which assist in activities of daily living.

ii) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

iii) Coverage is limited to:
No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment.

The actual charges for each visit up to a maximum reimbursement of $40 per visit.

$1,600 per calendar year.

7 visits in any one week.

Care furnished on a visiting basis in the insured's home.

Services provided by a care provider as defined in this Section.

At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded.

At-home recovery visits received during the period the

insured is receiving Medicare approved home care services or no more than 8 weeks after the service date of the last Medicare approved home health care visit.

C) Coverage is excluded for:

i) Home care visits paid for by Medicare or other government programs; and

ii) Care provided by family members, unpaid volunteers or providers who are not care providers.

d) Standards for Plans K and L

1) Standardized Medicare supplement benefit Plan "K" shall consist of the following:

A) Coverage of 100% of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period;

B) Coverage of 100% of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period;

C) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

D) Medicare Part A Deductible: Coverage for 50% of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in subsection (d)(1)(J);

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E) Skilled Nursing Facility Care: Coverage for 50% of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in subsection (d)(1)(J);

F) Hospice Care: Coverage for 50% of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in subsection (d)(1)(J);

G) Coverage for 50%, under Medicare Part A or B, of the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in subsection (d)(1)(J);

H) Except for coverage provided in subsection (d)(1)(J), coverage for 50% of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in subsection (d)(1)(J);

I) Coverage of 100% of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

J) Coverage of 100% of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of $4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

2) Standardized Medicare supplement benefit Plan "L" shall consist of the following:

A) The benefits described in subsections (d)(1)(A), (B), (C) and (J);

B) The benefits described in subsections (d)(1)(D), (E), (F), (G) and (H), but substituting 75% for 50%; and

C) The benefit described in subsection (d)(1)(J), but substituting $2000 for $4000.

~~11) New or Innovative Benefits: An issuer may, with the prior approval of the Director, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. Such new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.72 Standard Medicare Supplement Benefit Plans

a) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic "core" benefits, as defined in Section 2008.71 of this Part.

b) No groups, packages or combinations of Medicare supplement benefits other than those listed in this Section shall be offered for sale in this State, except as may be permitted in subsection (g)~~(c)(11) of Section 2008.71~~ and Section 2008.73 of this Part.

c) Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans listed in subsection (e) of this Section and conform to the definitions in Section 2008.40 of this Part. Each benefit shall be structured in accordance with the format provided in ~~subsections (b) and (c) of~~ Section 2008.71(b) and (c) and list the benefits in the order shown in Appendix B of this Part. For purposes of this Section, "structure, language, and format" means style, arrangement and overall content of a benefit.

d) An issuer may use, in addition to the benefit plan designations required in subsection (c) of this Section, other designations to the extent permitted by law.

e) Make-up of benefit plans:

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1) Standardized Medicare supplement benefit Plan~~plan~~ "A" shall be limited to the Basic ("Core") Benefits Common to all Benefit Plans, as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part.

2) Standardized Medicare supplement benefit Plan~~plan~~ "B" shall include only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible as defined in ~~subsection (c)(1) of~~ Section 2008.71(c)(1) of this Part.

3) Standardized Medicare supplement benefit Plan~~plan~~ "C" shall include only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Deductible and Medically Necessary Emergency Care in a Foreign Country as defined in ~~subsections (c)(1), (2), (3) and (8) of~~ Section 2008.71(c)(1), (2), (3) and (8) of this Part respectively.

4) Standardized Medicare supplement benefit Plan~~plan~~ "D" shall include only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medically Necessary Emergency Care in a Foreign Country and the At-Home Recovery Benefit as defined in ~~subsections (c)(1), (2), (8) and (10) of~~ Section 2008.71(c)(1), (2), (8) and (10) of this Part respectively.

5) Standardized Medicare supplement benefit Plan~~plan~~ "E" shall include only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medically Necessary Emergency Care in a Foreign Country and Preventive Medical Care as defined in ~~subsections (c)(1), (2), (8) and (9) of~~ Section 2008.71(c)(1), (2), (8) and (9) of this Part respectively.

6) Standardized Medicare supplement benefit Plan~~plan~~ "F" shall include only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, the Skilled Nursing Facility Care, the Part B Deductible, 100% of the Medicare Part B Excess Charges, and Medically Necessary Emergency Care in a Foreign Country as defined in ~~subsections (c)(1), (2), (3), (5) and (8) of~~ Section

2008.71(c)(1), (2), (3), (5) and (8) of this Part respectively.

7) Standardized Medicare supplement benefit high deductible Plan~~plan~~ "F*" shall include only the following: 100% of covered expenses following the payment of the annual high deductible Plan~~plan~~ "F*" deductible. The covered expenses include the Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A deductible, Skilled Nursing Facility Care, the Medicare Part B deductible, 100% of the Medicare Part B Excess Charges, and Medically Necessary Emergency Care in a Foreign Country as defined in ~~subsections (c)(1), (2), (3), (5) and (8) of~~ Section 2008.71(c)(1), (2), (3), (5) and (8) respectively. The annual high deductible Plan~~plan~~ "F*" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement Plan~~plan~~ "F" policy, and shall be in addition to any other specific benefit deductibles. The annual high deductible Plan~~plan~~ "F*" deductible shall be $1500 for 1998 and 1999, and shall be based on the calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12 month period ending with August of the preceding year, and rounded to the nearest multiple of $10.

8) Standardized Medicare supplement benefit Plan~~plan~~ "G" shall include only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, 80% of the Medicare Part B Excess Charges, Medically Necessary Emergency Care in a Foreign Country, and the At-Home Recovery Benefit as defined in ~~subsections (c)(1), (2), (4), (8) and (10) of~~ Section 2008.71(c)(1), (2), (4), (8) and (10) of this Part respectively.

9) Standardized Medicare supplement benefit Plan~~plan~~ "H" shall consist of only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Basic Prescription Drug Benefit and Medically Necessary Emergency Care in a Foreign Country as defined in ~~subsections (c)(1), (2), (6) and (8) of~~ Section 2008.71(c)(1), (2), (6) and (8) of this Part respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

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10) Standardized Medicare supplement benefit Plan~~plan~~ "I" shall consist of only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, 100% of the Medicare Part B Excess Charges, Basic Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country and At-Home Recovery Benefit as defined in ~~subsections (c)(1), (2), (5), (6), (8) and (10) of~~ Section 2008.71(c)(1), (2), (5), (6), (8) and (10) of this Part respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

11) Standardized Medicare supplement benefit Plan~~plan~~ "J" shall consist of only the following: The Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Deductible, 100% of the Medicare Part B Excess Charges, Extended Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country, Preventive Medical Care and At-Home Recovery Benefit as defined in ~~subsections (c)(1), (2), (3), (5), (7), (8), (9) and (10) of~~ Section 2008.71(c)(1), (2), (3), (5), (7), (8), (9) and (10) of this Part respectively. The outpatient prescription drug benefit shall not be included in a Medicare Supplement policy sold after December 31, 2005.

12) Standardized Medicare supplement benefit high deductible Plan~~plan~~ "J*" shall consist of only the following: 100% of covered expenses following the payment of the annual high deductible Plan~~plan~~ "J*" deductible. The covered expenses include the Core Benefit as defined in ~~subsection (b) of~~ Section 2008.71(b) of this Part, plus the Medicare Part A deductible, Skilled Nursing Facility Care, Medicare Part B deductible, 100% of the Medicare Part B Excess Charges, Extended Outpatient Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country, Preventive Medical Care Benefit and At-Home Recovery Benefit as defined in ~~subsections (c)(1), (2), (8) and (10) of~~ Section 2008.71(c)(1), (2), (8) and (10) respectively. The annual high deductible Plan~~plan~~ "J*" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement Plan~~plan~~ "J*" policy, and shall be in addition to any other specific benefit deductible. The annual deductible shall be $1500 for 1998 and 1999, and shall be based on

a calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12 month period ending with August of the preceding year, and rounded to the nearest multiple of $10.

f) Make-up of two Medicare supplement plans mandated by the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA);

1) Standardized Medicare supplement benefit Plan "K" shall consist of only those benefits described in Section 2008.71(d)(1).

2) Standardized Medicare supplement benefit Plan "L" shall consist of only those benefits described in Section 2008.71(d)(2).

g) New or Innovative Benefits: An issuer may, with the prior approval of the Director, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner that is consistent with the goal of simplification of Medicare supplement policies. After December 31, 2005, the innovative benefit shall not include an outpatient prescription drug benefit.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.73 Medicare Select Policies and Certificates

a) This Section shall apply to Medicare Select policies and certificates, as defined in this Section. No policy or certificate may be advertised as a Medicare Select policy or certificate unless it meets the requirements of this Section.

b) For the purposes of this Section:

1) "Complaint" means any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers.

2) "Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the

administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers.

3) "Medicare Select Issuer" means an issuer offering, or seeking to offer, a Medicare Select policy or certificate.

4) "Medicare Select Policy" or "Medicare Select Certificate" means respectively a Medicare supplement policy or certificate that contains restricted network provisions.

5) "Network Provider" means a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.

6) "Restricted Network Provision" means any provision which conditions the payment of benefits, in whole or in part, on the use of network providers.

7) "Service Area" means the geographic area approved by the Director within which an issuer is authorized to offer a Medicare Select policy.

c) The Director ~~of Insurance~~ may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to this Section and Section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the Director finds that the issuer has satisfied all of the requirements of this Part.

d) A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this State until its plan of operation has been approved by the Director ~~of Insurance~~.

e) A Medicare Select issuer shall file a proposed plan of operation with the Director ~~of Insurance~~ in a format prescribed by the Director. The plan of operation shall contain at least the following information:

1) Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

A) Such services can be provided by network providers with reasonable promptness with respect to geographic location, hours

of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community.

B) The number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

i) To deliver adequately all services that are subject to a restricted network provision; or

ii) To make appropriate referrals.

C) There are written agreements with network providers describing specific responsibilities.

D) Emergency care is available ~~twenty-four (~~24~~)~~ hours per day and ~~seven (~~7~~)~~ days per week.

E) In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting such providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This subsection shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate.

2) A statement or map providing a clear description of the service area.

3) A description of the grievance procedure to be utilized.

4) A description of the quality assurance program, including:

A) The formal organizational structure;

B) The written criteria for selection, retention and removal of network providers; and

C) The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

5) A list and description, by specialty, of the network providers.

6) Copies of the written information proposed to be used by the issuer to comply with subsection (i) ~~below~~.

7) Any other information requested by the Director ~~of Insurance~~.

f) A Medicare Select issuer shall:

1) File any proposed changes to the plan of operation, except for changes to the list of network providers, with the Director prior to implementing such changes. Such changes shall be considered approved by the Director after ~~thirty (~~30~~)~~ days unless specifically disapproved.

2) An updated list of network providers shall be filed with the Director ~~of Insurance~~ at least quarterly.

g) A Medicare Select policy or certificate shall not restrict payment for covered services provided by non-network providers if:

1) The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or condition; and

2) It is not reasonable to obtain such services through a network provider.

h) A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

i) A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions, and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

1) An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with:

A) Other Medicare supplement policies or certificates offered by the issuer; and

B) Other Medicare Select policies or certificates.

2) A description (including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals, and other providers.

3) A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized. Except to the extent specified in the policy or certificate, expenses incurred when using out-of-network providers do not count toward the out-of-pocket annual limit contained in Plans K and L.

4) A description of coverage for emergency and urgently needed care and other out of service area coverage.

5) A description of limitations on referrals to restricted network providers and to other providers.

6) A description of the policyholder's right to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer.

7) A description of the Medicare Select issuer's quality assurance program and grievance procedure.

j) Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to subsection (i) ~~above~~ and that the applicant understands the restrictions of the Medicare Select policy or certificate.

k) A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. Such procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

1) The grievance procedure shall be described in the policy and certificates

and in the outline of coverage.

2) At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

3) Grievances shall be considered in a timely manner and shall be transmitted to decision makers who have authority to investigate the issue and take corrective action.

4) If a grievance is found to be valid, corrective action shall be taken promptly.

5) All concerned parties shall be notified about the results of a grievance.

6) The issuer shall report no later than each March 31st to the Director ~~of Insurance~~ regarding its grievance procedure. The report shall be in a format prescribed by the Director and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances.

l) At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

m) At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for ~~six (~~6~~)~~ months.

1) For the purposes of this subsection (m), a Medicare supplement policy or certificate will be considered to have "comparable or lesser" benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced.

2) For the purposes of this subsection (m), a "significant benefit" means coverage for the Medicare Part A deductible, ~~coverage for prescription drugs,~~ coverage for at-home recovery services or coverage for Part B excess charges.

n) Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this Section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

1) Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies and certificates available without requiring evidence of insurability.

2) For the purposes of this subsection (n), a Medicare supplement policy or certificate will be considered to have "comparable or lesser" benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this subsection (n), a "significant benefit" means coverage for the Medicare Part A deductible, ~~coverage for prescription drugs,~~ coverage for at-home recovery services or coverage for Part B excess charges.

o) A Medicare Select issuer shall comply with requests for data made by State or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART C: ENROLLMENT & ELIGIBILITY

Section 2008.74 Open Enrollment

a) No issuer shall deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this State, nor discriminate in the pricing of such a policy or certificate because of the health status, claims

experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the 6 month period beginning with the first day of the month in which an individual is both 65 years of age or older and is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this subsection (a) without regard to age.

b) If an applicant qualifies under subsection (a) of this Section and submits an application during the time period referenced in subsection (a) of this Section and, as of the date of application, has had a continuous period of creditable coverage:

1) Of at least 6 months, the issuer shall not exclude benefits based on a preexisting condition, or

2) That is less than 6 months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The Secretary shall specify the manner of the reduction under this subsection (b)(2).

c) Except as otherwise provided in subsection (b) of this Section, Section 2008.75 or Section 2008.104 of this Part, subsection (a) of this Section shall not be construed as preventing the exclusion of benefits under a policy, during the first 6 months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the 6 months before the coverage became effective.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.75 Guaranteed Issue for Eligible Persons

Pursuant to Section 1851(g) of the federal Social Security Act (P.L. 105-33) all Medicare supplement insurance policies shall be guaranteed issue to eligible persons who meet the requirements of this Section effective July 1, 1998.

a) Guaranteed Issue

1) Eligible persons are those individuals described in subsection (b) of this

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Section who seek to enroll under the policy during the period specified in subsection (c), and who submit evidence of the date of termination, ~~or~~ disenrollment, or Medicare Part D enrollment with the application for a Medicare supplement policy.

2) With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate described in subsection (e) of this Section that is offered and is available for issuance to new enrollees by the issuer; shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition; and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

b) Eligible person is an individual described in any of the following subsections:

1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual because the individual leaves the plan;

2) The individual is enrolled with a Medicare Advantage~~Medicare+Choice~~ organization under a Medicare Advantage~~Medicare+Choice~~ plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described in subsections (b)(2), (3), (4), (5) and (6) of this Section that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare Advantage~~Medicare+Choice~~ Plan:

A) The certification of the organization or plan under this Part has been terminated;

B) The organization has terminated or otherwise discontinued

providing the plan in the area in which the individual resides;

C) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section 1856), or the plan is terminated for all individuals within a residence area;

D) The individual demonstrates, in accordance with guidelines established by the Secretary, that:

i) The organization offering the plan substantially violated a material provision of the organization's contract in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

E) The individual meets such other exceptional conditions as the Secretary may provide;

3) The individual's enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under subsection (b)(2) of this Section and they enrolled under:

A) An eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost);

B) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

C) An organization under an agreement under Section 1833(a)(1)(A) of the Social Security Act (health care prepayment plan); or

D) An organization under a Medicare Select policy;

4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

A) Of the insolvency of the issuer or bankruptcy of the nonissuer organization;

B) Of other involuntary termination of coverage or enrollment under the policy;

C) The issuer of the policy substantially violated a material provision of the policy; or

D) The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

5) The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare Advantage~~Medicare+Choice~~ organization under a Medicare Advantage~~Medicare+Choice~~ plan under Part C of Medicare, any eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost), any similar organization operating under demonstration project authority, any PACE provider under Section 1894 of the Social Security Act, or a Medicare Select policy; and the subsequent enrollment is voluntarily or involuntarily terminated during any period within the first 12 months of such subsequent enrollment; or

6) The individual, upon first enrolling under Part B of Medicare at age 65 or older, enrolls in a Medicare Advantage~~Medicare+Choice~~ plan under Part C of Medicare or with a PACE provider under Section 1894 of the Social Security Act, and voluntarily or involuntarily disenrolls from the plan or program by not later than 12 months after the effective date of enrollment.

7) The individual enrolls in a Medicare Part D plan during the initial enrollment period and, at the time of enrollment in Part D, was enrolled under a Medicare supplement policy that covers outpatient prescription drugs and the individual terminates enrollment in the Medicare supplement policy and submits evidence of enrollment in Medicare Part D along with the application for a policy described in subsection (e)(4).

c) Guaranteed Issue Time Periods

1) In the case of an individual described in subsection (b)(1) of this Section, the guaranteed issue period begins on the later of:

i) date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of ~~such a~~ termination or cessation) and ends 63 days thereafter ~~the date of the applicable notice~~; or

ii) the date that the applicable coverage terminates or ceases;

2) In the case of an individual described in subsection (b)(2), (b)(3), (b)(5) or (b)(6) of this Section whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated;

3) In the case of an individual described in subsection (b)(4)(A) of this Section:~~,~~

A) the guaranteed issue period begins on the earlier of:

i)~~A~~) the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any; or~~, and~~

ii)~~B~~) the date that the applicable coverage is terminated; and~~,~~

B) ~~and~~ ends on the date that is 63 days after the date the coverage is terminated;

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4) In the case of an individual described in subsection (b)(2), (b)(4)(B), (b)(4)(C), (b)(5) or (b)(6) of this Section who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of the disenrollment and ends on the date that is 63 days after the effective date; ~~and~~

5) In the case of an individual described in subsection (b)(7), the guaranteed issue period begins on the date the individual receives notice pursuant to Section 1882(v)(2)(B) of the Social Security Act from the Medicare supplement issuer during the 60 day period immediately preceding the initial Part D enrollment period and ends on the date that is 63 days after the effective date of the individual's coverage under Medicare Part D; and

6) In the case an individual described in subsection (b) of this Section but not described in the preceding provisions of this subsection (c), the guaranteed issue period begins on the effective date of the disenrollment and ends on the date that is 63 days after the effective date.

d) Extended Medigap Access for Interrupted Trial Periods

1) In the case of an individual described in subsection (b)(5) of this Section whose enrollment with an organization or provider described in subsection (b)(5) of this Section is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be initial enrollment described in subsection (b)(5) of this Section;

2) In the case of an individual described in subsection (b)(6) of this Section whose enrollment with a plan or in a program described in subsection (b)(6) of this Section is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in subsection (b)(6) of this Section; and

3) For purposes of subsections (b)(5) and (b)(6) of this Section, no enrollment of an individual with an organization or provider described in

subsection (b)(5)(A) of this Section, or with a plan or in a program described in subsection (b)(6) of this Section, may be deemed to be an initial enrollment after the 2~~two~~-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

e) Products to Which Eligible Persons are Entitled
The Medicare supplement policy to which eligible persons are entitled under:

1) Subsection (b)(1), (2), (3), and (4) of this Section is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, ~~or~~ F (including F with a high deductible), K or L offered by any issuer.

2) Subject to subsection (e)(2)(b), subsection~~Subsection~~ (b)(5) of this Section is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not available, a policy described in subsection (e)(1) of this Section. After December 31, 2005, if the individual was most recently enrolled in a Medicare supplement policy with an outpatient prescription drug benefit, a Medicare supplement policy described in this subsection (e)(2) is:

A) The policy available from the same issuer but modified to remove outpatient prescription drug coverage; or

B) At the election of the policyholder, an A, B, C, F (including F with a high deductible), K or L policy that is offered by any issuer.

3) Subsection (b)(6) of this Section shall include any Medicare supplement policy offered by any issuer.

4) Subsection (b)(7) of this Section is a Medicare supplement policy that has a benefit package classified as Plan A, B, C, F (including F with a high deductible), K or L, and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage.

f) Notification Provisions

1) At the time of an event described in subsection (b) of this Section, because

of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under subsection (a) of this Section. Such notice shall be communicated contemporaneously with the notification of termination.

2) At the time of an event described in subsection (b) of this Section, because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under subsection (a) of this Section. Such notice shall be communicated within 10 working days after the issuer receives notification of disenrollment.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART D: CLAIMS, REFUNDS & CREDITS

Section 2008.80 Loss Ratio Standards and Refund or Credit of Premium

a) Loss Ratio Standards.

1) A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form:

A) Can~~can~~ be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form~~, calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for such period and in accordance with accepted actuarial principles and practices~~:

i)~~A)~~ At least 75% of the aggregate amount of premiums earned in the case of group policies; or

ii)~~B)~~ At least 65% of the aggregate amount of premiums earned in the case of individual policies.

B) Is calculated on the basis of incurred claims experience or incurred health care expenses, where coverage is provided by a health maintenance organization on a service rather than reimbursement basis, and on the basis of earned premiums for the period, in accordance with accepted actuarial principles and practices. Incurred health care expenses where coverage is provided by a health maintenance organization shall not include:

i) Home office and overhead cost;

ii) Advertising costs;

iii) Commissions and other acquisition costs;

iv) Taxes;

v) Capital costs;

vi) Administrative costs; and

vii) Claims processing costs.

2) All filings of rates and rating schedules shall be made in compliance with 50 Ill. Adm. Code 916 and shall demonstrate that expected claims in relation to premiums comply with the requirements of this Section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

3) For purposes of applying subsection (a) of this Section and Section 2008.81(c)(2) of this Part, policies issued as a result of solicitations of

individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies.

4) For policies issued prior to April 28, 1996, expected claims in relation to premiums shall meet:

A) The originally filed anticipated loss ratio when combined with the actual experience since inception;

B) The appropriate loss ratio requirement from subsections (a)(1)(A) and (B) of this Section when combined with actual experience beginning April 28, 1996 to date; and

C) The appropriate loss ratio requirement from subsections (a)(1)(A) and (B) of this Section over the entire future period for which the rates are computed to provide coverage.

b) Refund or Credit Calculation

1) An issuer shall collect and file with the Director by May 31 of each year the data contained in Appendix S~~N~~ of this Part for each type in a standard Medicare supplement benefit plan.

2) If, on the basis of the experience as reported, the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

3) For the purposes of this Section, on policies or certificates issued prior to November 5, 1991, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after April 28, 1996. The first such report shall be due by May 31, 1998.

4) A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. Such refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

c) Annual Filing of Premium Rates
An issuer of Medicare supplement policies and certificates issued in this State before or after the effective date of this Part shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the Director in accordance with the filing requirements and procedures prescribed by the Director. The supporting documentation shall also demonstrate, in accordance with actuarial standards of practice using reasonable assumptions, that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. Such demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than 3 years.

d) As soon as practicable, but prior to the effective date of revisions in Medicare benefits, every issuer of Medicare supplement policies or certificates in this State shall file with the Division~~Department~~:

1) Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. Such supporting documents as are necessary to justify the adjustment shall accompany the filing.

2) An issuer shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or certificate as will conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for such Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under

the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

3) If an issuer fails to make premium adjustments acceptable to the Director, the Director may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this Section.

4) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. Such riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

e) Public Hearings
The Director may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of this Part if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for such reporting period.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART E: RATES, COMPENSATION AGREEMENT, DISCLOSURE, REPLACEMENT & MARKETING

Section 2008.81 Filing and Approval of Policies and Certificates and Premium Rates

a) An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this State unless the policy form or certificate form has been filed with and approved by the Director pursuant to 50 Ill. Adm. Code 916.

b) An issuer shall file any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 only with the Director in the state in which the policy or certificate was issued.

c) An issuer shall not use or change premium rates for a Medicare supplement policy

or certificate unless the rates, rating schedule and supporting documentation have been filed with and approved by the Director pursuant to 50 Ill. Adm. Code 916.

d)~~c)~~ Except as provided in subsection (d)~~(c)~~(1)~~ below~~, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

1) An issuer may offer, with the approval of the Director, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

A) The inclusion of new or innovative benefits;

B) The addition of either direct response or producer marketing methods;

C) The addition of either guaranteed issue or underwritten coverage;

D) The offering of coverage to individuals eligible for Medicare by reason of disability.

2) For the purposes of this Section, a "type" means an individual policy, a group policy, an individual Medicare Select policy, or a group Medicare Select policy.

e)~~d)~~ Except as provided in subsection (e)~~(d)~~(1)~~ below~~, an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of this Part that has been approved by the Director. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous 12~~twelve~~ months.

1) An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the Director in writing its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the Director, the issuer shall no longer offer for sale the policy form or certificate form in this State.

2) An issuer that discontinues the availability of a policy form or certificate

form pursuant to subsection (e)~~(d)~~(1) ~~above~~ shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the Director of the discontinuance. The period of discontinuance may be reduced if the Director determines that a shorter period is appropriate.

3) The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of subsection (e)~~(d)~~.

4) A change in the rating structure or methodology shall be considered a discontinuance under subsections (e)~~(d)~~(1) and (2) ~~above~~ unless the issuer complies with the following requirements:

A) The issuer provides an actuarial memorandum, in a form and manner prescribed by the Director, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates.

B) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The Director may approve a change to the differential which is in the public interest.

f)~~e)~~ Except as provided herein, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in Section 2008.80 of this Part. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.90 Required Disclosure Provisions

a) General Rules

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1) Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of such provision must be consistent with the type of contract issued. Such provision shall be appropriately captioned and shall appear on the first page of the policy and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

2) Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured or exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with an accompanying increase in premium during the policy term shall be agreed to in writing and signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, except if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy.

3) Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import.

4) If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

5) Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded directly to him or her in a timely manner if, after examination of the policy or certificate, the insured

person is not satisfied for any reason.

6) Issuers of accident and sickness policies or certificates that~~which~~ provide hospital or medical expense coverage on an expense incurred or indemnity basis to ~~a~~ persons~~person(s)~~ eligible for Medicare shall provide to those applicants a Guide to Health Insurance for People with Medicare approved by the Director ~~of Insurance~~ and in type size no smaller than 12 point type. Delivery of the Guide shall be made whether or not such policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this Part. Except in the case of direct response issuers, delivery of the Guide shall be made to the applicant at the time of application and acknowledgement of receipt of the Guide shall be obtained by the issuer. Direct response issuers shall deliver the Guide to the applicant upon request but not later than at the time the policy is delivered.

b) Identification Cards. Identification cards provided to the policyholders ~~policyholer(s)~~ must reflect the name of the issuer rather than a corporate name and must also identify which plan coverage is being provided to the policyholder.

c) Policy Checklist

1) In order to determine what policy or certificate is appropriate and nonduplicative, a policy checklist must be completed in the presence of the applicant at the point of sale. Copies of the checklist, completed and duly signed are to be provided to the applicant and the issuer. This requirement does not apply to direct response solicitations.

2) The checklist required by subsection (c)(1) of this Section shall provide substantially the form prescribed in Appendix A of this Part.

3) Issuers issuing Medicare supplement policies for delivery in this State shall not issue a Medicare supplement policy unless all information requested in the policy checklist is provided.

d) Notice Requirements

1) As soon as practicable, but no later than 30 days prior to the annual effective date of Medicare benefit changes, an insurer shall notify its

policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in the format prescribed in Appendix T~~O~~ of this Part. Such notice shall:

A) Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate, and

B) Inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare.

2) The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension. This notice shall be plainly printed in no smaller than 12 point type.

3) Such notices shall not contain or be accompanied by any solicitation.

e) MMA Notice Requirements. Issuers shall comply with any notice requirements of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

f) Outline of Coverage Requirements for Medicare Supplement Policies

1) Issuers shall provide an outline of coverage to all applicants at the time the application is presented to the prospective applicant, and except for direct response policies, shall obtain an acknowledgement of receipt of such outline from the applicant.

2) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany such policy or certificate when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name:

NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application, and the coverage originally applied for has not been issued.

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3) In addition to the statement required by subsection (f)~~(e)~~(2) of this Section, each revised outline of coverage accompanying a policy or certificate issued on a basis other than that originally applied for, shall contain the following notice appearing in no less than 12 point type:

WARNING: The (policy or certificate) you have received is not the same as the one for which you made application.

4) The outline of coverage provided to applicants pursuant to this subsection (f)~~(e)~~(4) shall consist of four parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. Please see Appendix B of this Part. The outline of coverage shall be in the language and format prescribed in Appendix B in no less than 12 point type. All Plans~~plans~~ A through L~~J*~~ shall be shown on the cover page, and the plans~~plan(s)~~ that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

5) The outline of coverage shall follow the format in Appendix B of this Part. The term "certificate" should be substituted for the word "policy" throughout the outline of coverage where appropriate.

g)~~f)~~ Notice Regarding Policies or Certificates Which are Not Medicare Supplement Policies

1) Any accident and sickness insurance policy or certificate, other than a Medicare supplement policy, a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 USC, Section 1395 et seq.), disability income policy, or other policy identified in Section 2008.30(b)(3) of this Part issued for delivery in this State to persons eligible for Medicare, shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy or certificate delivered to insureds. The notice shall be in no less than 12 point type and shall contain the following

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language:

THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). IT DOES NOT FULLY SUPPLEMENT YOUR FEDERAL MEDICARE HEALTH INSURANCE. If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company.

2) Using the applicable statement found in Appendix VQ of this Part, applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subsection (g)(f)(1) of this Section shall disclose the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as part of, or together with, the application for the policy or certificate.

h)g) Filing Requirements for Advertising
An issuer of Medicare supplement insurance or benefits in this State shall provide a copy of any Medicare supplement advertisement intended for use in this State whether through written, radio or television medium to the Director of Insurance of this State for review by the Director to the extent it may be required under State law.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.100 Requirements for Application Forms and Replacement Coverage

a) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant currently has another Medicare supplement, Medicare Advantage, Medicaid coverage, or anotheror other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and insurance producer containing such questions and statements may be used.

1) [STATEMENTS]:

A1) You do not need more than one Medicare supplement policy.

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B~~2~~) If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.

C~~3~~) You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

D~~4~~) If, after purchasing this policy, you become eligible for Medicaid, the~~The~~ benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days after becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within 90 days after losing Medicaid eligibility. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

E~~5~~) If you are eligible for, and have enrolled in a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within 90 days after losing your employer or union-based group health plan. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the

suspension.

F) Counseling services may be available in this State to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the State Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

2) [QUESTIONS:]

If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy, you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with your application. PLEASE ANSWER ALL QUESTIONS. Please mark Yes or No below with an "X".

A) To the best of your knowledge:,

i) Did you turn age 65 in the last 6 months?

Yes ☐ No ☐

ii) Did you enroll in Medicare Part B in the last 6 months?

Yes ☐ No ☐

iii) If yes, what is the effective date? _____

B) To the best of your knowledge, are you covered for medical assistance through the State Medicaid program?

NOTE TO APPLICANT: If you are participating in a "Spend-Down Program" and have not met your "Share of Cost," please answer NO to this question.

Yes ☐ No ☐

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If yes:

i) Will Medicaid pay your premiums for this Medicare supplement policy?

Yes ☐ No ☐

ii) Do you receive any benefits from Medicaid OTHER THAN payments toward your Medicare Part B premium?

Yes ☐ No ☐

C) To the best of your knowledge:

i) If you had coverage from any Medicare plan other than original Medicare within the past 63 days (for example, a Medicare Advantage plan, or a Medicare HMO or PPO), fill in your start and end dates below. If you are still covered under this plan, leave "END" blank.

START ___/___/___ END ___/___/___

ii) If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy?

Yes ☐ No ☐

iii) Was this your first time in this type of Medicare plan?

Yes ☐ No ☐

iv) Did you drop a Medicare supplement policy to enroll in the Medicare plan?

Yes ☐ No ☐

D) To the best of your knowledge:

i) Do you have another Medicare supplement policy in force?

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Yes ☐ No ☐

ii) If so, with what company, and what plan do you have (optional for Direct Mailers)?

_____

iii) If so, do you intend to replace your current Medicare supplement policy with this policy?

Yes ☐ No ☐

E) To the best of your knowledge, have you had coverage under any other health insurance within the past 63 days? (For example, an employer, union, or individual plan)

Yes ☐ No ☐

i) If so, with what company, and what kind of policy?

_____

_____

_____

_____

ii) What are your dates of coverage under the other policy?

START ___/___/___ END ___/___/___

(If you are still covered under the other policy, leave "END" blank.)

~~1) Do you have another Medicare supplement policy or certificate in force?~~

~~A) If so, with which company?~~

~~B) If so, do you intend to replace your current Medicare supplement~~

~~policy with this policy (certificate)?~~

~~2) Do you have any other health insurance coverage that provides benefits similar to this Medicare supplement policy?~~

~~A) If so, with which company?~~

~~B) What kind of policy?~~

~~3) Are you covered for medical assistance through the State Medicaid program?~~

~~A) As a Specified Low Income Medicare Beneficiary (SLMB)?~~

~~B) As a Qualified Medicare Beneficiary (QMB)?~~

~~C) For other Medicaid medical benefits?~~

b) Insurance producers shall list any other health insurance policies they have sold to the applicant.

1) List policies sold which are still in force.

2) List policies sold in the past 5 years which are no longer in force.

c) In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

d) Upon determining that a sale will involve replacement of Medicare supplement, an issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of accident and sickness coverage. One copy of such notice signed by the applicant and the insurance producer shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of accident and sickness coverage in the form prescribed in Appendix R~~M~~ of this Part.

e) The notice required by subsection (d) ~~above~~ for an issuer, other than a direct response issuer, shall be provided in the form prescribed in Appendix R~~M~~ of this Part in no less than 12 point type.

f) Subsections (1) and (2) of Appendix R~~M~~ (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2008.102 Appropriateness of Recommended Purchase and Excessive Insurance

a) In recommending the purchase or replacement of any Medicare supplement policy or certificate, an insurance producer shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement. For purposes of this subsection the insurer will be deemed to make reasonable efforts to determine the appropriateness of the recommended purchase if the insurer complies with the standards set forth in Sections 363a(5) and (6) of the Code.

b) Any sale of a Medicare supplement policy or certificate~~coverage~~ that will provide an individual more than one Medicare supplement policy or certificate is prohibited.

c) An issuer shall not issue a Medicare supplement policy or certificate to an individual enrolled in Medicare Part C unless the effective date of the coverage is after the termination date of the individual's Part C coverage.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART F: REPORTING & PROHIBITIONS

SUBPART G: MISCELLANEOUS PROVISIONS

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Section 2008.APPENDIX B Outline of Medicare Supplement Coverage – Cover Page

[COMPANY NAME]
Outline of Medicare Supplement Coverage – Cover Page: 1 of 2
Benefit Plans~~Plan(s)~~ _____ [insert letters~~letter(s)~~ of plans~~plan(s)~~ being offered]

These charts show~~Medicare supplement insurance can be sold in only ten standard plans plus two high deductible plans. This chart shows~~ the benefits included in each of the standard Medicare supplement plans~~plan~~. Every company must make available Plan "A". Some plans may not be available in Illinois.

See Outlines of Coverage sections for details about all plans.

BASIC BENEFITS FOR PLANS A-J: ~~Included in All Plans.~~

Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.

Medical Expenses: Part B coinsurance (generally 20% of Medicare-approved expenses), or ~~in the case of hospital outpatient department services under a prospective payment system, applicable~~ copayments for hospital outpatient services.

Blood: First 3~~three~~ pints of blood each year.

A	B	C	D	E
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
		Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible		
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
			At-Home Recovery	
				Preventive Care NOT Covered by

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				Medicare

(continued)

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F F**	G	H	I	J J**
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance	Skilled Nursing Facility Co-Insurance
Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
Part B Deductible				Part B Deductible
Part B Excess (100%)	Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%)
Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
	At-Home Recovery		At-Home Recovery	At-Home Recovery
		~~Basic Drugs [$_____]~~	~~Basic Drugs [$_____]~~	~~Extended Drugs [$_____]~~
				Preventive Care NOT Covered by Medicare

Plans F and J also have an option called a high deductible Plan~~plan~~ F and a high deductible Plan~~plan~~ J**. These high deductible plans pay the same ~~or offer the same~~ benefits as Plans F and J after one has paid a calendar year [$_____] deductible. Benefits from high deductible Plans~~plans~~ F and J will not begin until out-of-pocket expenses are [$_____]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but do~~does~~ not include~~, in plan J,~~ the plan's ~~separate prescription drug deductible or, in Plans F and J, the plan's~~ separate foreign travel emergency deductible.

NOTE:
Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear above. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

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[COMPANY NAME]
Outline of Medicare Supplement Coverage – Cover Page 2

Basic Benefits for Plans K and L include similar services as Plans A-J, but cost-sharing for the basic benefits is at different levels.

J	K**	L**
Basic Benefits	100% of Part A Hospitalization Coinsurance plus coverage for 365 days after Medicare benefits end 50% Hospice cost-sharing 50% of Medicare-eligible expenses for the first 3 pints of blood 50% Part B Coinsurance, except 100% coinsurance for Part B Preventive Services	100% of Part A Hospitalization Coinsurance plus coverage for 365 days after Medicare benefits end 75% Hospice cost-sharing 75% of Medicare-eligible expenses for the first 3 pints of blood 75% Part B Coinsurance, except 100% coinsurance for Part B Preventive Services
Skilled Nursing Coinsurance	50% Skilled Nursing Facility Coinsurance	75% Skilled Nursing Facility Coinsurance
Part A Deductible	50% Part A Deductible	75% Part A Deductible
Part B Deductible		
Part B Excess (100%)		
Foreign Travel Emergency		
At-Home Recovery		
Preventive Care NOT Covered by Medicare		
	$[4000] Out of Pocket Annual Limit***	$[2000] Out of Pocket Annual Limit***

** Plans K and L provide for different cost-sharing for items and services than Plans A-J.

Once you reach the annual limit, the plan pays 100% of the Medicare copayments, coinsurance, and deductibles for the rest of the calendar year. The out-of-pocket annual limit does NOT include charges from your provider that exceed Medicare-approved amounts, called "excess charges". You will be responsible for paying excess charges.

***The out-of-pocket annual limit will increase each year for inflation.

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See Outlines of Coverage for details and exceptions.

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PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY

This is only an outline, describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

(for producers:)
Neither (insert company's name) nor its agents are connected with Medicare.
(for direct response:)
(insert company's name) is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security office or consult "Medicare & You" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

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When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified on the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in Appendices C through L of this Part. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this Appendix. An issuer may use additional benefit plan designations on these charts pursuant to Section 2008.72(d) of this Part.]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the Director~~of Insurance~~.]

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX C Plan A

MEDICARE (PART A) − Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	$0	[$_____] (Part A Deductible)
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve days are used:			
-Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
-Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	$0	Up to [$_____] a day
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE			

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Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and inpatient respite care	$0	Balance

(continued)

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(Plan A Continued)

MEDICARE (PART B) – Medical Services-Per Calendar Year

*Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $100 of Medicare Approved Amounts*	$0	$0	$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~$0~~	~~All costs~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES ~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$10

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES - Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)

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Remainder of Medicare Approved Amounts	80%	20%	$0

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX D Plan B

MEDICARE (PART A) – Hospital Services-Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve days are used:			
-Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
-Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] day	$0	Up to [$_____] a day
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE			

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NOTICE OF PROPOSED AMENDMENTS

Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and inpatient respite care	$0	Balance

(continued)

(Plan B Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

*Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~**Part B Excess Charges** (Above Medicare Approved Amounts)~~	$0	$0	All costs
Part B Excess Charges (Above Medicare Approved Amounts)	~~$0~~	~~$0~~	~~All costs~~
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES			
~~BLOOD~~ TEST FOR DIAGNOSTIC SERVICES	100%	$0	$0

PARTS A & B

HOME HEALTH CARE			

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MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX E Plan C

MEDICARE (PART A) – Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve day are used:			
- Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
- Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	Up to [$_____] a day	$0
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE			

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Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and inpatient respite care	$0	Balance

(**continued**)

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(Plan C Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

*Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~$0~~	~~All cost~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES- ~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			
First $[100] of Medicare Approved Amounts	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0

(continued)

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(Plan C Continued)

OTHER BENEFITS – Not Covered By Medicare

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First [$_____] each calendar year	$0	$0	[$_____]
Remainder of Charges	$0	80% to a lifetime maximum benefit of [$_____]	20% and amounts over the [$_____] lifetime maximum

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 2008.APPENDIX F Plan D

MEDICARE (PART A) – Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve days are used:			
- Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
- Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	Up to [$_____] a day	$0
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE			

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Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and inpatient respite care	$0	Balance

(continued)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
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NOTICE OF PROPOSED AMENDMENTS

(Plan D Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

*Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~100%~~	~~$0~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES- ~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)

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NOTICE OF PROPOSED AMENDMENTS

Remainder of Medicare Approved Amounts	80%	20%	$0

(continued)

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(Plan D Continued)

MEDICARE (PARTS A & B) – (CONTINUED)

PARTS A& B (cont'd)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE (cont'd)			
AT HOME RECOVERY SERVICES-NOT COVERD BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
- Benefit for each visit	$0	Actual Charges to [$_____] a visit	Balance
- Number of visits covered (must be received within 8 weeks of last Medicare Approved visit	$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
- Calendar year maximum	$0	[$_____]	

OTHER BENEFITS – Not Covered by Medicare

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL − NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First [$_____] each calendar year	$0	$0	[$_____]
Remainder of Charges	$0	80% to a lifetime maximum benefit of [$_____]	20% and amounts over the [$_____] lifetime maximum

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX G Plan E

MEDICARE (PART A) – Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve day are used:			
- Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
- Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	Up to [$_____] a day	$0
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE			

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Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and inpatient respite care	$0	Balance

(**continued**)

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NOTICE OF PROPOSED AMENDMENTS

(Plan E Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

*Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~$0~~	~~All costs~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES- ~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			

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First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0

(continued)

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NOTICE OF PROPOSED AMENDMENTS

(Plan E Continued)

OTHER BENEFITS – Not Covered By Medicare

*Medicare benefits are subject to change. Please consult the latest Guide to Health Insurance for People with Medicare.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First [$_____] each calendar year	$0	$0	[$_____]
Remainder of Charges	$0	80% to a lifetime maximum benefit of [$_____]	20% and amounts over the [$_____] lifetime maximum
PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE			
Some annual physical and preventive tests and services ~~such as: digital rectal exam, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, tetanus and diphtheria booster and education,~~ administered or ordered by your doctor when not covered by Medicare			
-First [$____] each calendar year	$0	[$_____]	$0
-Additional charges	$0	$0	All costs

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 2008.APPENDIX H Plan F or High Deductible Plan F**

MEDICARE (PART A) – Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

**This high deductible plan pays the same ~~or offers the same~~ benefits as Plan F after one has paid a calendar year [$_____] deductible. Benefits from high deductible Plan~~plan~~ F will not begin until out-of-pocket expenses are [$_____]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	[AFTER YOU PAY [$___] DEDUCTIBLE**] PLAN PAYS	[IN ADDITION TO [$___] DEDUCTIBLE**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve days are used:			
- Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
- Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	Up to [$_____] a day	$0
101st day and after	$0	$0	All costs
BLOOD			

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First 3 pints Additional amounts	$0 100%	3 pints $0	$0 $0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and in-patient respite care	$0	Balance

(continued)

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NOTICE OF PROPOSED AMENDMENTS

(Plan F or High Deductible Plan F** Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

*Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

[**This high deductible plan pays the same ~~or offers the same~~ benefits as Plan F after one has paid a calendar year [$____] deductible. Benefits from the high deductible Plan~~plan~~ F will not begin until out-of-pocket expenses are [$____]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible].

SERVICES	MEDICARE PAYS	[AFTER YOU PAY [$____] DEDUCTIBLE**] PLAN PAYS	[IN ADDITION TO [$___] DEDUCTIBLE**] YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~100%~~	~~$0~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	100%	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts*	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES-			

~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			
First $[100] of Medicare Approved Amounts*	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0

(continued)

(Plan F or High Deductible Plan F Continued)**

OTHER BENEFITS – Not Covered By Medicare

SERVICES	MEDICARE PAYS	AFTER YOU PAY THE [$_____] DEDUCTIBLE** PLAN PAYS	IN ADDITION TO THE [$_____] DEDUCTIBLE** YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First [$_____] each calendar year	$0	$0	[$_____]
Remainder of Charges	$0	80% to a lifetime maximum benefit of [$_____]	20% and amounts over the [$_____] lifetime maximum

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX I Plan G

MEDICARE (PART A) – Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve days are used:			
- Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
- Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	Up to [$_____] a day	$0
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE			

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Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and inpatient respite care	$0	Balance

(continued)

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NOTICE OF PROPOSED AMENDMENTS

(Plan G Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

*Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~80%~~	~~20%~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	80%	20%
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES			
~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)

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NOTICE OF PROPOSED AMENDMENTS

Remainder of Medicare Approved Amounts	80%	20%	$0

(continued)

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NOTICE OF PROPOSED AMENDMENTS

(Plan G Continued)

MEDICARE (PARTS A & B) – (CONTINUED)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE (cont'd)			
AT-HOME RECOVERY SERVICES-NOT COVERD BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
- Benefit for each visit	$0	Actual Charges to [$_____] a visit	Balance
- Number of visits covered (must be received within 8 weeks of last Medicare Approved visit	$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
- Calendar year maximum	$0	[$_____]	

OTHER BENEFITS – NOT COVERED BY MEDICARE

FOREIGN TRAVEL – NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First [$_____] each calendar year	$0	$0	[$_____]
Remainder of Charges	$0	80% to a lifetime maximum benefit of [$_____]	20% and amounts over the [$_____] lifetime maximum

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 2008.APPENDIX J Plan H

MEDICARE (PART A) – Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
-While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
-Once lifetime reserve days are used:			
-Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
-Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	Up to [$_____] a day	$0
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0

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NOTICE OF PROPOSED AMENDMENTS

HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	$0	Balance

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
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NOTICE OF PROPOSED AMENDMENTS

(Plan H Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

* Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREAMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~$0~~	~~All costs~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	0%	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES-			
~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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NOTICE OF PROPOSED AMENDMENTS

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0

(continued)

(Plan H Continued)

OTHER BENEFITS – Not Covered By Medicare

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL–NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First [$_____] each calendar year	$0	$0	[$_____]
Remainder of Charges	$0	80% to a lifetime maximum benefit of [$_____]	20% and amounts over the [$_____] lifetime maximum
~~**BASIC OUTPATIENT PRESCRIPTION DRUGS – NOT COVERED BY MEDICARE**~~			
~~First [$_____] each calendar year~~	~~$0~~	~~$0~~	~~[$_____]~~
~~Next [$_____] each calendar year~~	~~$0~~	~~50% [$_____] calendar year maximum benefit~~	~~50%~~
~~Over [$_____] each calendar year~~	~~$0~~	~~$0~~	~~All Costs~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 2008.APPENDIX K Plan I

MEDICARE (PART A) – Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve days are used:			
- Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
- Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	Up to [$_____] a day	$0
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0

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NOTICE OF PROPOSED AMENDMENTS

HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and inpatient respite care	$0	Balance

(continued)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
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NOTICE OF PROPOSED AMENDMENTS

(Plan I Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

* Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician'"s services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~100%~~	~~$0~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	100%	$0
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES- ~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			

First $[100] of Medicare Approved Amounts*	$0	$0	$[100] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0

(continued)

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(Plan I Continued)

MEDICARE (PARTS A & B) – (CONTINUED)

PARTS A& B (cont'd)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE (cont'd)			
AT-HOME RECOVERY SERVICES-NOT COVERD BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
- Benefit for each visit	$0	Actual Charges to [$_____] a visit	Balance
- Number of visits covered (must be received within 8 weeks of last Medicare Approved visit	$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
- Calendar year maximum	$0	[$_____]	

OTHER BENEFITS – NOT COVERED BY MEDICARE

FOREIGN TRAVEL—NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First [$_____] each calendar year	$0	$0	[$_____]
Remainder of Charges*	$0	80% to a lifetime maximum benefit of [$_____]	20% and amounts over the [$_____] lifetime maximum
~~**BASIC OUTPATIENT PRESCRIPTON DRUGS NOT COVERED BY MEDICARE**~~			
~~First [$_____] each calendar year~~	~~$0~~	~~$0~~	~~[$_____]~~
~~Next [$_____] each calendar year~~	~~$0~~	~~50% [$_____] calendar year maximum benefit~~	~~50%~~

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~~Over [$_____] each calendar year~~	~~$0~~	~~$0~~	~~All costs~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX L Plan J or High Deductible Plan J**

MEDICARE (PART A) – Hospital Services – Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[** This high deductible plan pays the same ~~or offers the same~~ benefits as Plan J after one has paid a calendar year [$_____] deductible. Benefits from high deductible Plan~~plan~~ J will not begin until out-of-pocket expenses are [$_____]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate outpatient prescription drug deductible or the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY [$___] DEDUCTIBLE**] PLAN PAYS	[IN ADDITION TO [$___] DEDUCTIBLE**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but [$_____]	[$_____] (Part A Deductible)	$0
61st thru 90th day	All but [$_____] a day	[$_____] a day	$0
91st day and after;			
- While using 60 lifetime reserve days	All but [$_____] a day	[$_____] a day	$0
- Once lifetime reserve days are used:			
- Additional 365 days	$0	100% of Medicare Eligible Expenses	$0
- Beyond the Additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but [$_____] a day	Up to [$_____] a day	$0

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101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0

(continued)

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HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for out-patient drugs and in-patient respite care	$0	Balance

(Plan J or High Deductible Plan J** Continued)

MEDICARE (PART B) – Medical Services – Per Calendar Year

*Once you have been billed $[100] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

[**This high deductible plan pays the same ~~or offers the same~~ benefits as Plan J after one has paid a calendar year [$____] deductible. Benefits from the high deductible Plan~~plan~~ J will not begin until out-of-pocket expenses are [$____]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate outpatient prescription drug deductible or the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY [$____] DEDUCTIBLE**] PLAN PAYS	[IN ADDITION TO [$___] DEDUCTIBLE**] YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment.			
First $[100] of Medicare Approved Amounts*	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	generally 80%	generally 20%	$0
~~Part B Excess Charges (Above Medicare Approved Amounts)~~	~~$0~~	~~100%~~	~~$0~~
Part B Excess Charges (Above Medicare Approved Amounts)	$0	100%	$0
BLOOD			
First 3 pints	$0	All costs	$0
Next $[100] of Medicare Approved Amounts*	$0	$[100] (Part B Deductible)	$0

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Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES- ~~BLOOD~~ TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment			
First $[100] of Medicare Approved Amounts*	$0	$[100] (Part B Deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0

(Plan J or High Deductible Plan J** Continued)

MEDICARE (PARTS A & B) – (CONTINUED)

PARTS A & B (cont'd)

SERVICES	MEDICARE PAYS	AFTER YOU PAY [$____] DEDUCTIBLE** PLAN PAYS	IN ADDITION TO [$____] DEDUCTIBLE** YOU PAY
HOME HEALTH CARE (cont'd)			
AT-HOME RECOVERY SERVICES-NOT COVERD BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
- Benefit for each visit	$0	Actual Charges to [$_____] a visit	Balance
- Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	$0	Up to the number of Medicare Approved visits, not to exceed 7 each week	
- Calendar year maximum	$0	[$_____]	

OTHER BENEFITS – NOT COVERED BY MEDICARE~~Not Covered By Medicare~~

FOREIGN TRAVEL-NOT COVERED BY MEDICARE			

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Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First [$_____] each calendar year	$0	$0	[$_____]
Remainder of Charges*	$0	80% to a lifetime maximum benefit of [$_____]	20% and amounts over the [$_____] lifetime maximum

(continued)

~~**BASIC OUTPATIENT PRESCRIPTON DRUGS NOT COVERED BY MEDICARE**~~			
~~First [$_____] each calendar year~~	~~$0~~	~~$0~~	~~[$_____]~~
~~Next [$_____] each calendar year~~	~~$0~~	~~50% [$_____] calendar year maximum benefit~~	~~50%~~
~~Over [$_____] each calendar year~~	~~$0~~	~~$0~~	~~All costs~~

(Plan J or High Deductible Plan J Continued)**

OTHER BENEFITS – NOT COVERED BY MEDICARE (cont'd)

*Medicare benefits are subject to change. Please consult the latest Guide to Health Insurance for People with Medicare.

SERVICES	MEDICARE PAYS	AFTER YOU PAY [$___] DEDUCTIBLE** PLAN PAYS	IN ADDITION TO [$___] DEDUCTIBLE** YOU PAY
***PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE** Some annual physical and preventive tests and services ~~such as: digital rectal exam, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, tetanus and diptheria booster and education,~~ administered or ordered by your doctor when not covered by Medicare ~~medicare~~			
First [$____] $120 each calendar year	$0	[$_____]	$0
Additional charges	$0	$0	All costs

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX M Plan K~~Notice to Applicant Regarding Replacement of Accident and Sickness Insurance~~

* You will pay half the cost-sharing of some covered services until you reach the annual out-of-pocket limit of $[4000] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare copayment and coinsurance for the rest of the calendar year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

MEDICARE (PART A) – HOSPITAL SERVICES-PER BENEFIT PERIOD

** A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPITALIZATION** Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[876]	$[438] (50% of Part A deductible)	$[438] (50% of Part A deductible)♦
61st thru 90th day	All but $[219] a day	$[219] a day	$0
91st day and after:			
- While using 60 lifetime reserve days	All but $[438] a day	$[438] a day	$0
- Once lifetime reserve days are used:			
- Additional 365 days	$0	100% of Medicare eligible expenses	$0***
- Beyond the additional 365 days	$0	$0	All costs

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SKILLED NURSING FACILITY CARE** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[109.50] a day	Up to $[54.75] a day	Up to $[54.75] a day ♦
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	50%	50%♦
Additional amounts	100%	$0	$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	Generally, most Medicare eligible expenses for outpatient drugs and inpatient respite care	50% of coinsurance or copayments	50% of coinsurance or copayments♦

** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits". During this time, the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN K

MEDICARE (PART B) – MEDICAL SERVICES-PER CALENDAR YEAR

**** Once you have been billed $[100] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*

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MEDICAL EXPENSES – IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[100] of Medicare Approved Amounts****	$0	$0	$[100] (Part B deductible)****
Preventive Benefits for Medicare covered services	Generally 75% or more of Medicare approved amounts	Remainder of Medicare approved amounts	All costs above Medicare approved amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs (and they do not count toward annual out-of-pocket limit of [$4000])*
BLOOD			
First 3 pints	$0	50%	50% ♦
Next $[100] of Medicare Approved Amounts****	$0	$0	$[100] (Part B deductible)**** ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
CLINICAL LABORATORY SERVICES – TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

* This plan limits your annual out-of-pocket payments for Medicare-approved amounts to $[4000] per year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

PLAN K

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*

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HOME HEALTH CARE MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment 1st $[100] of Medicare Approved Amounts*****	$0	$0	$[100] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	80%	10%	10% ♦

*****Medicare benefits are subject to change. Please consult the latest Guide to Health Insurance for People with Medicare.

(Source: Appendix M renumbered to Appendix R; new Appendix M added at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 2008.APPENDIX N Plan L~~Medicare Supplement Refund Calculation Format~~

For Calendar Year _____

* You will pay one-fourth of the cost-sharing of some covered services until you reach the annual out-of-pocket limit of $[2000] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare copayment and coinsurance for the rest of the calendar year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

MEDICARE (PART A) – HOSPITAL SERVICES-PER BENEFIT PERIOD

** A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPITALIZATION** Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[876]	$[657] (75% of Part A deductible)	$[219] (25% of Part A deductible)♦
61st thru 90th day	All but $[219] a day	$[219] a day	$0
91st day and after:			
- While using 60 lifetime reserve days	All but $[438] a day	$[438] a day	$0
- Once lifetime reserve days are used:			
- Additional 365 days	$0	100% of Medicare eligible expenses	$0***
- Beyond the additional 365 days	$0	$0	All costs

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SKILLED NURSING FACILITY CARE** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[109.50] a day	Up to $[82.13] a day	Up to $[27.37] a day♦
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	75%	25% ♦
Additional amounts	100%	$0	$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	Generally, most Medicare eligible expenses for outpatient drugs and inpatient respite care	75% of coinsurance or copayments	25% of coinsurance or copayments ♦

*** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN L

MEDICARE (PART B) – MEDICAL SERVICES-PER CALENDAR YEAR

**** Once you have been billed $[100] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
MEDICAL EXPENSES – IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			

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First $[100] of Medicare Approved Amounts****	$0	$0	$[100] (Part B deductible)**** ♦
Preventive Benefits for Medicare covered services	Generally 75% or more of Medicare approved amounts	Remainder of Medicare approved amounts	All costs above Medicare approved amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs (and they do not count toward annual out-of-pocket limit of [$2000])*
BLOOD			
First 3 pints	$0	75%	25% ♦
Next $[100] of Medicare Approved Amounts****	$0	$0	$[100] (Part B deductible)**** ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5% ♦
CLINICAL LABORATORY SERVICES – TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

* This plan limits your annual out-of-pocket payments for Medicare-approved amounts to $[2000] per year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

PLAN L

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
- Medically necessary skilled care services and medical supplies	100%	$0	$0
- Durable medical equipment 1st $[100] of Medicare Approved Amounts*****	$0	$0	$[100] (Part B deductible) ♦

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Remainder of Medicare Approved Amounts	80%	15%	5% ♦

***** Medicare benefits are subject to change. Please consult the latest Guide to Health Insurance for People with Medicare.

(Source: Appendix N renumbered to Appendix S; new Appendix N added at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX O NOTICE OF MEDICARE CHANGES (RENUMBERED)

(Source: Appendix O renumbered to Appendix T at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX P MEDICARE SUPPLEMENT POLICIES REPORT (RENUMBERED)

(Source: Appendix P renumbered to Appendix U at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX Q Disclosure Statements (Renumbered)

(Source: Appendix Q renumbered to Appendix V at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX R~~M~~ Notice to Applicant Regarding Replacement of Medicare Supplement Insurance or Medicare Advantage~~Accident and Sickness Insurance~~

Insurance company's name and address

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished) you intend to terminate existing Medicare supplement or Medicare Advantage~~accident and sickness~~ insurance and replace it with a policy to be issued by (Company Name) Insurance Company. Your new policy will provide ~~thirty (~~30~~)~~ days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement or Medicare Advantage coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY INSURANCE PRODUCER:

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement or, if applicable, policy will not duplicate your existing Medicare supplement ~~Medicare~~ coverage because you intend to terminate your existing Medicare supplement or leave your Medicare Advantage Plan~~coverage~~. The replacement policy is being purchased for the following reason ~~reason(s)~~ (Check one):

- ☐ Additional benefits.
- ☐ No change in benefits, but lower premiums.
- ☐ Fewer benefits and lower premiums.
- ☐ My plan has outpatient prescription drug coverage and I am enrolling in Part D for disenrollment. (Optional only for Direct Mailers)
- ☐ Disenrollment from a Medicare Advantage plan. Please explain reason.
- ☐ Other. (Please specify) _____

_____

_____

Note: If the issuer of the Medicare supplement policy being applied for does not, or is otherwise prohibited from imposing, pre-existing condition limitations,

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please skip to statement 2 below.

1) Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2) Section 363(7)(b) of the Illinois Insurance Code [215 ILCS 5/363(7)(b)] provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The issuer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3) If you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

_____
(Signature of Insurance Producer or Other Representative)

Typed Name and Address of Issuer or Insurance Producer

_____
(Applicant's Signature)

_____
Date

* Signature not required for direct response sales.

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(Source: Appendix R renumbered from Appendix M and amended at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX S~~N~~ Medicare Supplement Refund Calculation Format

Type (1) _____ **SMSBP (2)** _____
For the State of _____
Company Name _____
NAIC Group Code _____ **NAIC Company Code** _____
Address _____
Person Completing this Form _____
Title _____ **Telephone Number** _____

Line		(a) Earned Premium (3)	(b) Incurred Claims (4)
1.	Current Year's Experience		
	a. Total (all policy years)	_____	_____
	b. Current year's issues (z)	_____	_____
	c. Net (for reporting purposes = 1a - 1b)	_____	_____
2.	Past Year's Experience (all policy years)	_____	_____
3.	Total Experience (net current year + past year's experience)	_____	_____

4. Refunds last year (excluding interest) _____

5. Previous since Inception (excluding interest) _____

6. Refunds since Inception (excluding interest) _____

7. Benchmark Ratio since Inception _____
(see worksheet for Ratio 1)

8. Experienced Ratio since Inception

Total Actual Incurred Claims (line 3, col. b) / Total Premium After Refunds = Ratio 2

Where Total Earned Premium after Refunds = Total Earned Premiums (line 3, col. a) − Refunds since Inception (line 6)

9. Life Years Exposed Since Inception
If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.

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10. Tolerance Permitted _____
(obtained from credibility table)

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11. Adjustment to Incurred Claims for Credibility

Ratio 3 = Ratio 2 + Tolerance _____

If ratio 3 is more than benchmark ratio (ratio 1), a refund or credit to premium is not required.

If ratio 3 is less than the benchmark ratio, then proceed.

12. Adjusted Incurred Claims = Total Earned Premiums (line 3, col. a) - Refunds since Inception (line 6) x Ratio 3 (line 11). _____

13. Refund = Total Earned Premium after Refunds – [Adjusted Incurred Claims (line 12) /Benchmark Ratio (Ratio 1)] _____

Where Total Earned Premium after Refunds = Total Earned Premiums (line 3, col. a) – Refunds since Inception (line 6)

If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, and a description of the refund and/or credit against premiums to be used must be attached to this form.

Medicare Supplement Credibility Table

Life Years Exposed Since Inception	Tolerance
10,000 +	0.0%
5,000 - 9,999	5.0%
2,500 - 4,999	7.5%
1,000 - 2,499	10.0%
500 – 999	15.0%

If less than 500, no credibility.

(1) Individual, Group, Individual Medicare Select, or Group Medicare Only.
(2) "SMSBP" = Standard Medicare Supplement Benefit Plan-Use "P" for prestandardized~~pre-standardized~~ plans.
(3) Includes modal loadings and fees charged
(4) Excludes Active Life Reserves
(5) This is to be used as "Issue Year Earned Premium" for 1 of next year's "Worksheet for Calculation of Benchmark Ratios"

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

_____ _____
Signature **Title – please type**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Name − please type	**Date**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
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REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR GROUP POLICIES
For Calendar Year _____

Type (1) _____ **SMSBP (2)** _____
For the State of _____
Company Name _____
NAIC Group Code _____ **NAIC Company Code** _____
Address _____
Person Completing Form _____
Title _____ **Telephone Number** _____

(a3)	(b4)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(o5)
Year	Earned Premium	Factor	(b4) x (c)	Cumulative Loss Ratio	(d) x (e)	Factor	(b4) x (g)	Cumulative Loss Ratio	(h) x (i)	Policy Year Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.77
5		4.175		0.567		3.170		0.782		0.80
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84
8		4.175		0.567		5.445		0.811		0.87
9		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15		4.175		0.567		8.684		0.838		0.89
Total:		(k):			(l):		(m):		(n):	

Benchmark Ratio Since Inception: Ratio 1 = (l + n) / (k + m): _____

(1): Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

(2): "SMSBP" = Standardized Medicare Supplement Benefit Plan – Use "P" for pre-standardized plans.

(3): Year 1 is the current calendar year-1
Year 2 is the current calendar year-2 (etc.)
(Example: If the current year is 1991, then Year 1 is 1990; Year 2 is 1989, etc.)

(4): For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

(5): These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet.

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They are shown here for informational purposes only.

(6): To include the earned premium for all years prior to as well as the 15th year to the current year.

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REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES
For Calendar Year _____

Type (1) _____ **SMSBP (2)** _____
For the State of _____
Company Name _____
NAIC Group Code _____ **NAIC Company Code** _____
Address _____
Person Completing Form _____
Title _____ **Telephone Number** _____

(a3)	(b4)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(o5)
Year	Earned Premium	Factor	(b4) x (c)	Cumulative Loss Ratio	(d) x (e)	Factor	(b4) x (g)	Cumulative Loss Ratio	(h) x (i)	Policy Year Loss Ratio
1		2.770		0.442		0.000		0.000		0.4
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		4.175		0.493		3.998		0.686		0.71
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15		4.175		0.493		8.684		0.725		0.77

Total: (k): _____ (l): _____ (m): _____ (n): _____

Benchmark Ratio Since Inception: Ratio 1 = (l + n) / (k + m): _____

(1): Individual, Group, Individual Medicare Select, or Group Medicare Only.

(2): "SMSBP" = Standardized Medicare Supplement Benefit Plan – Use "P" for pre-standardized plans.

(3): Year 1 is the current calendar year-1
Year 2 is the current calendar year-2 (etc.)
(Example: If the current year is 1991, then Year 1 is 1990; Year 2 is 1989, etc.)

(4): For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

(5): These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

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(6): To include the earned premium for all years prior to as well as the 15th year to the current year.

(Source: Appendix S renumbered from Appendix N and amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
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NOTICE OF PROPOSED AMENDMENTS

Section 2008.APPENDIX TO Notice of Medicare Changes

(Company Name)
NOTICE ON CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE

The following outline briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read carefully!

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage in substantially the following format).

Services	**Medicare Benefits**	**Your Medicare Supplement Coverage**
	Effective (insert current calendar year) Medicare Will Pay	**Effective (insert current calendar year) Your Coverage Will Pay**
MEDICARE PART A SERVICES AND SUPPLIES		
Inpatient Hospital Services	All but _____ for first 60 days/benefit period	
Semi-Private Room & Board	All but _____ a day for 61st - 90th days/benefit period	
Miscellaneous Hospital Service & Supplies, such as Drugs, X-Rays, Lab Tests & Operating Room	All but _____ a day for 91st-150th days (if individual chooses to use 60 nonrenewable lifetime reserve days)	
BLOOD	Pays all costs except nonreplacement fees (blood	

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Services	**Medicare Benefits**	**Your Medicare Supplement Coverage**
	Effective (insert current calendar year) Medicare Will Pay	**Effective (insert current calendar year) Your Coverage Will Pay**
	deductible) for first 3 pints in each calendar year	
SKILLED NURSING FACILITY CARE	100% of costs for first 20 days (after a 3 day prior hospital/ confinement/ benefit period) All but _____ a day for 21st-100th days /benefit period Beyond 100 days – Nothing /benefit period	
MEDICARE PART B SERVICES AND SUPPLIES	80% of allowable charges (after ____ deductible/calendar year)	
PRESCRIPTION DRUGS	Inpatient prescription drugs 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after ____ deductible/ calendar year)	
BLOOD	80% of costs except nonreplacement fees (blood deductible) for first 3 pints (after ___ deductible/calendar year	

(Any other policy benefits not mentioned in this chart should be added to the chart in the order prescribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.)

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(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about when premium adjustments that may be necessary due to changes in Medicare benefits will be effective.)

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY (COMPANY) ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT (POLICY) CONTACT: (COMPANY AND FOR AN INDIVIDUAL POLICY-NAME OF AGENT) (ADDRESS/PHONE NUMBER).

(Source: Appendix T renumbered from Appendix O at 29 Ill. Reg. _____, effective _____)

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Section 2008.APPENDIX UP Medicare Supplement Policies Report

Company Name: _____
Address: _____
_____
Phone Number: _____

Due: March 1, annually

The purpose of this report is to provide information on each resident of this State who has more than one Medicare supplement policy or certificate in force. The information is to be grouped by individual policyholder.

Policy and Certificate #	Date of Issuance

_____
Signature

_____
Name and Title (please type)

_____
Date

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(Source: Appendix U renumbered from Appendix P at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 2008.APPENDIX V ~~Q~~ Disclosure Statements

All types of health insurance policies that duplicate Medicare shall include one of the following disclosure statements according to the particular policy type involved, on the application or together with the application. The disclosure statement language and format may not vary in type size, type proportional spacing, bold character, line spacing or usage of boxes around text from those presented below.

a) For policies that provide benefits for expenses incurred for an accidental injury only:

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays hospital medical expenses up to the maximum stated in the policy.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

– hospitalization,
– physician services,
– [outpatient prescription drugs if you are enrolled in Medicare Part D],
– other approved items and services.

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

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Before You Buy This Insurance

– Check the coverage in all health insurance policies you already have.
– For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
– For help in understanding your health insurance, contact Senior Health Insurance Program through the Divisions of Insurance~~your state insurance department~~.

b) For policies that provide benefits for specified limited services:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when any of the services covered by the policy are also covered by Medicare.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

– hospitalization,
– physician services,
– [outpatient prescription drugs if you are enrolled in Medicare Part D],
– other approved items and services.

Before You Buy This Insurance

– Check the coverage in all health insurance policies you already have.
– For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare,

available from the insurance company.

– For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance~~your state insurance department~~.

c) For policies that reimburse expenses for specified disease(s) or other specified impairments. This includes expense incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions:

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays hospital or medical expenses up to the maximum stated in the policy.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

– hospitalization,
– physician services,
– [outpatient prescription drugs if you are enrolled in Medicare Part D],
– hospice,
– other approved items and services.

Before You Buy This Insurance

– Check the coverage in all health insurance policies you already have.
– For more information about Medicare and Medicare Supplement

insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

– For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance~~your state insurance department~~.

d) For policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnoses named in the policy.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

– hospitalization,
– physician services,
– [outpatient prescription drugs if you are enrolled in Medicare Part D],
– hospice,
– other approved items and services.

Before You Buy This Insurance

– Check the coverage in all health insurance policies you already have.
– For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare,

available from the insurance company.

– For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance~~your state insurance department~~.

e) For indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when any expenses or services covered by the policy are also covered by Medicare.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

– hospitalization,
– physician services,
– [outpatient prescription drugs if you are enrolled in Medicare Part D],
– hospice,
– other approved items and services.

Before You Buy This Insurance

– Check the coverage in all health insurance policies you already have. For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
– For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance~~your state insurance~~

~~department~~.

f) For policies that provide benefits for both expenses incurred and fixed indemnity basis:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

– any expenses or services covered by the policy are also covered by Medicare; or
– it pays the fixed dollar amount stated in the policy and Medicare covers the same event.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

– hospitalization,
– physician services,
– [outpatient prescription drugs if you are enrolled in Medicare Part D],
– hospice care,
– other approved items and services.

Before You Buy This Insurance

– Check the coverage in all health insurance policies you already have.
– For more information about Medicare and Medicare Supplement

insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

– For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance~~your state insurance department~~.

g) For other health insurance policies not specifically identified in the previous statements:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays the benefits stated in the policy and coverage for the same event is provided by Medicare.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

– hospitalization,
– physician services,
– [outpatient prescription drugs if you are enrolled in Medicare Part D],
– hospice,
– other approved items and services.

Before You Buy This Insurance

– Check the coverage in all health insurance policies you already have.
– For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.

– For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance~~your state insurance department~~.

h) For policies that provide benefits for specified limited services:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

– hospitalization,
– physician services,
– [outpatient prescription drugs if you are enrolled in Medicare Part D],
– other approved items and services.

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

– Check the coverage in **all** health insurance policies you already have.
– For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
– For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance.

i) For policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease

and other types of health insurance policies that limit reimbursement to named medical conditions.

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy. Medicare generally pays for most or all of these expenses.

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice,
- [outpatient prescription drugs if you are enrolled in Medicare Part D],
- other approved items and services.

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

- Check the coverage in **all** health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance.

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NOTICE OF PROPOSED AMENDMENTS

j) Alternative disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice,
- [outpatient prescription drugs if you are enrolled in Medicare Part D],
- other approved items and services.

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

- Check the coverage in **all** health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance.

k) Alternative disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.

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IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays a fixed amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice,
- [outpatient prescription drugs if you are enrolled in Medicare Part D],
- other approved items and services.

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

- Check the coverage in **all** health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance.

l) Alternative disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis.

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

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Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice care,
- [outpatient prescription drugs if you are enrolled in Medicare Part D],
- other approved items and services.

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

- Check the coverage in **all** health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance.

m) Alternative disclosure statement for other health insurance policies not specifically identified in the preceding statements.

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

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Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice,
- [outpatient prescription drugs if you are enrolled in Medicare Part D],
- other approved items and services.

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

- Check the coverage in **all** health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact Senior Health Insurance Program through the Division of Insurance.

(Source: Appendix V renumbered from Appendix Q and amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Funeral Directors and Embalmers Licensing Code

2) Code Citation: 68 Ill. Adm. Code 1250

3) Section Number: 1250.170 Proposed Action: Amendment

4) Statutory Authority: Funeral Directors and Embalmers Licensing Code [225 ILCS 41].

5) A Complete Description of the Subjects and Issues Involved: The statutory requirement in Section 15-55 of the Act with reference to maintenance of a preparation room is being clarified in the rules.

6) Will this proposed amendment replace any emergency rulemaking currently in effect? No

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

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813
Fax: 217/557-4451

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing funeral directing and embalming services.

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

C) Types of professional skills necessary for compliance: Funeral directing and embalming skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1250
FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section

1250.110 Approved Programs of Mortuary Science
1250.120 Application for Internship 1250.130 Requirements for Internship
1250.135 Application for Licensure
1250.140 Examination
1250.150 Reciprocity
1250.155 Inactive Status
1250.160 Restoration
1250.165 Fees
1250.170 Requirements for a Preparation Room
1250.180 Required Activities (Repealed)
1250.190 Violations (Repealed)
1250.200 Renewals
1250.205 Advertising
1250.210 Granting Variances
1250.220 Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; Part repealed and new Part adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; emergency rule expired November 11, 1983; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238, effective May 16, 1991; amended at 17 Ill. Reg. 19132, effective October 22, 1993; amended at 23 Ill. Reg. 2296, effective January 22, 1999; amended at 24 Ill. Reg. 550, effective December

31, 1999; amended at 27 Ill. Reg. 7791, effective April 21, 2003; amended at 28 Ill. Reg. 4911, effective March 3, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 1250.170 Requirements for a Preparation Room

a) In accordance with Section 15-55 of the Act, each fixed place of practice or establishment devoted to the care and preparation for burial or for transportation of deceased human bodies shall maintain a preparation room properly equipped with necessary drainage and ventilation facilities and containing instruments and supplies necessary for the preparation and embalming of deceased human bodies.

b) The care and preparation for burial of all deceased bodies, regardless of cause of demise, shall be entirely private and no one shall be allowed in the embalming or preparation room until the body is fully prepared and dressed, except licensed funeral directors, licensed funeral directors and embalmers, licensed interns, their assistants, students of mortuary science, the medical examiner, the coroner, their representatives and representatives of the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) or except when it is determined to be necessary by the funeral director or the medical examiner or the coroner.

c)~~b)~~ A notice of privacy shall be affixed to the preparation room or adjacent thereto.

d)~~c)~~ Preparation rooms shall be maintained in a sanitary condition with necessary drainage and proper ventilation in accordance with the provisions of the Code.

e)~~d)~~ Preparation rooms shall be made available to representatives of the Division~~Department~~ for inspection to determine compliance with the Code and this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Designation of Restricted Waters in the State of Illinois

2) Code Citation: 17 Ill. Adm. Code 2030

3) Section Number: 2030.80 — Proposed Action: New Section

4) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add a new Section regarding designation of Restricted Boating Areas in the event of hazardous navigation conditions, declared as such by the Federal or State government.

6) Will this rulemaking contain an automatic repeal date? No

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: Public safety in coordination with and at the request of units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: No small businesses, small municipalities or not for profit corporations

are required to perform any function in support of this rule. However, small businesses such as marinas will be affected if boating on the bodies of water they serve is restricted. Additionally, small municipalities located along bodies of water where boating is restricted under this regulation would be affected in that their populations would be restricted in their boating activities. It is not foreseen that such effects will be significant because the boating restrictions at issue are expected to be fairly rare and of short durations.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not listed on either of the two most recent regulatory agendas because: at the time they were filed, the Department was not aware that amendments to this Part were necessary.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2030
DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section
2030.10 General Regulations
2030.15 Designation of Restricted Waters by the Department of Natural Resources
2030.20 Region I – Designated Restricted Boating Areas
2030.30 Region II – Designated Restricted Boating Areas
2030.40 Region III – Designated Restricted Boating Areas
2030.50 Region IV – Designated Restricted Boating Areas
2030.60 Region V – Designated Restricted Boating Areas
2030.70 Riverboat Gambling Casinos – Designated Restricted Boating Areas
2030.80 Hazardous Navigation Conditions – Designated Restricted Boating Areas

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. 7549, effective May 26, 1995; emergency amendment at 19 Ill. Reg. 11967, effective August 3, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 750, effective December 29, 1995; amended at 20 Ill. Reg. 7864, effective June 3, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 15692, effective December 2, 1996; amended at 23 Ill. Reg. 6822, effective May 20, 1999; amended at 27 Ill. Reg. 8871, effective May 19, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 2030.80 Hazardous Navigation Conditions – Designated Restricted Boating Areas

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

In the event that the Department of Natural Resources determines the presence of conditions that make navigation of a body of water significantly dangerous to the public, the Director of the Department of Natural Resources may, in coordination with the federal government, designate Restricted Boating Areas on any affected body of water within the jurisdiction of the State of Illinois. This designation shall be made by public announcement in local media and by posting at local public boat launches and marinas. Waters designated as Restricted Boating Areas pursuant to this Section shall not be subject to the signage and marking requirements of Section 2030.10. This designation will remain in effect until the Director of the Department of Natural Resources determines that navigation is no longer significantly dangerous to the public. Rescission of the Restricted Boating Area designation shall be publicly announced in local media and posted at local public boat launches and marinas.

(Source: Added at 29 Ill. Reg. _____, effective _____)

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:
211.953	New Section
211.5880	New Section

4) Statutory 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]

5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of April 21, 2005, in consolidated Board dockets R04-12 and R04-20. This proposal to amend Part 211 of the Board's air pollution control regulations is part of a larger rulemaking in which the Board is also proposing amendments to other air regulations for stationary sources of emissions at 35 Ill Adm. Code 214, 218, and 219. The Board is using docket R04-12 to correct typographical errors in formulas in Part 214 (Sulfur Limitations). The Board is using docket R04-20 to amend Part 211 (Definitions and General Provisions), Part 218 (Organic Material Emission Standards and Limitations for the Chicago Area), and Part 219 (Organic Material Emission Standards and Limitations for the Metro East Area).

The R04-20 amendments are intended primarily to correct, update, and clarify rules implementing federal Clean Air Act requirements for volatile organic material (VOM) emissions reductions in the Chicago and Metro East ozone areas. This proposal addresses, among other things, capture efficiency, carbon adsorbers and control device monitoring, screen printers, sealers and topcoats, lithographic printing, natural gas fired afterburners, perchloroethylene dry cleaners, and motor vehicle refinishing. The amendments are intended to be non-substantive and emissions-neutral, and to benefit the regulated community by reducing the burden of, and increasing the flexibility in, demonstrating compliance.

Specifically, the amendments to Part 211 add two new definitions to the Board's regulations: "carbon adsorber" and "screen printing on paper." Although the term "carbon adsorber" is commonly understood to refer to adsorbent technology generally, the term is being defined to explicitly include not only carbon but also other media (such as oxides of silicon and aluminum) that have recently become available on the market. The definition of "screen printing on paper" is designed to help clarify that the activity

falls under Subpart TT, "Other Emission Units," in Parts 218 and 219, rather than the "paper coating" regulations in Subpart F of Parts 218 and 219.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Number:	Proposed Action:	Illinois Register citation:
211.3695	Amendment	28 Ill. Reg. 16180; December 17, 2004
211.7150	Amendment	29 Ill. Reg. 4323, March 18, 2005

10) Statement of statewide policy objectives: The proposed rulemaking does not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket number R04-20 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Richard McGill, at 312-814-6983 or email at mcgillr@ipcb.state.il.us.

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at http:\\www.ipcb.state.il.us.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may impact a small business, small municipality, and not-for-profit corporation if it is a stationary source of VOM emissions that is

located in the Chicago or Metro East ozone area. The Chicago area is composed of Cook, DuPage, Kane, Lake, McHenry and Will Counties, and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County. The Metro East area is composed of Madison, Monroe, and St. Clair Counties. Because the Part 211 definitions generally apply to all Board air regulations, the new definition of "carbon adsorber" may also impact a small business, small municipality, and not-for-profit corporation if it is a stationary source of VOM emissions that is located outside of the Chicago and Metro East ozone areas.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require reporting, bookkeeping and other procedures in order to maintain compliance.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

13) Regulatory agenda on which this rulemaking was summarized: January 2005

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

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporations by Reference
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

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

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

211.990 Choke Loading
211.1010 Clean Air Act
211.1050 Cleaning and Separating Operation
211.1070 Cleaning Materials
211.1090 Clear Coating
211.1110 Clear Topcoat
211.1120 Clinker
211.1130 Closed Purge System
211.1150 Closed Vent System
211.1170 Coal Refuse
211.1190 Coating
211.1210 Coating Applicator
211.1230 Coating Line
211.1250 Coating Plant
211.1270 Coil Coating
211.1290 Coil Coating Line
211.1310 Cold Cleaning
211.1312 Combined Cycle System
211.1316 Combustion Turbine
211.1320 Commence Commercial Operation
211.1324 Commence Operation
211.1328 Common Stack
211.1330 Complete Combustion
211.1350 Component
211.1370 Concrete Curing Compounds
211.1390 Concentrated Nitric Acid Manufacturing Process
211.1410 Condensate
211.1430 Condensible PM-10
211.1465 Continuous Automatic Stoking
211.1467 Continuous Coater
211.1470 Continuous Process
211.1490 Control Device
211.1510 Control Device Efficiency
211.1515 Control Period
211.1520 Conventional Air Spray
211.1530 Conventional Soybean Crushing Source
211.1550 Conveyorized Degreasing
211.1570 Crude Oil
211.1590 Crude Oil Gathering
211.1610 Crushing

211.1630 Custody Transfer
211.1650 Cutback Asphalt
211.1670 Daily-Weighted Average VOM Content
211.1690 Day
211.1710 Degreaser
211.1730 Delivery Vessel
211.1750 Dip Coating
211.1770 Distillate Fuel Oil
211.1780 Distillation Unit
211.1790 Drum
211.1810 Dry Cleaning Operation or Dry Cleaning Facility
211.1830 Dump-Pit Area
211.1850 Effective Grate Area
211.1870 Effluent Water Separator
211.1875 Elastomeric Materials
211.1880 Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885 Electronic Component
211.1890 Electrostatic Bell or Disc Spray
211.1900 Electrostatic Prep Coat
211.1910 Electrostatic Spray
211.1920 Emergency or Standby Unit
211.1930 Emission Rate
211.1950 Emission Unit
211.1970 Enamel
211.1990 Enclose
211.2010 End Sealing Compound Coat
211.2030 Enhanced Under-the-Cup Fill
211.2050 Ethanol Blend Gasoline
211.2070 Excess Air
211.2080 Excess Emissions
211.2090 Excessive Release
211.2110 Existing Grain-Drying Operation (Repealed)
211.2130 Existing Grain-Handling Operation (Repealed)
211.2150 Exterior Base Coat
211.2170 Exterior End Coat
211.2190 External Floating Roof
211.2210 Extreme Performance Coating
211.2230 Fabric Coating
211.2250 Fabric Coating Line

211.2270 Federally Enforceable Limitations and Conditions
211.2285 Feed Mill
211.2290 Fermentation Time
211.2300 Fill
211.2310 Final Repair Coat
211.2330 Firebox
211.2350 Fixed-Roof Tank
211.2360 Flexible Coating
211.2365 Flexible Operation Unit
211.2370 Flexographic Printing
211.2390 Flexographic Printing Line
211.2410 Floating Roof
211.2420 Fossil Fuel
211.2425 Fossil Fuel-Fired
211.2430 Fountain Solution
211.2450 Freeboard Height
211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490 Fugitive Particulate Matter
211.2510 Full Operating Flowrate
211.2530 Gas Service
211.2550 Gas/Gas Method
211.2570 Gasoline
211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610 Gel Coat
211.2620 Generator
211.2630 Gloss Reducers
211.2650 Grain
211.2670 Grain-Drying Operation
211.2690 Grain-Handling and Conditioning Operation
211.2710 Grain-Handling Operation
211.2730 Green-Tire Spraying
211.2750 Green Tires
211.2770 Gross Heating Value
211.2790 Gross Vehicle Weight Rating
211.2810 Heated Airless Spray
211.2815 Heat Input
211.2820 Heat Input Rate
211.2830 Heatset
211.2850 Heatset Web Offset Lithographic Printing Line
211.2870 Heavy Liquid

211.2890 Heavy Metals
211.2910 Heavy Off-Highway Vehicle Products
211.2930 Heavy Off-Highway Vehicle Products Coating
211.2950 Heavy Off-Highway Vehicle Products Coating Line
211.2970 High Temperature Aluminum Coating
211.2990 High Volume Low Pressure (HVLP) Spray
211.3010 Hood
211.3030 Hot Well
211.3050 Housekeeping Practices
211.3070 Incinerator
211.3090 Indirect Heat Transfer
211.3110 Ink
211.3130 In-Process Tank
211.3150 In-Situ Sampling Systems
211.3170 Interior Body Spray Coat
211.3190 Internal-Floating Roof
211.3210 Internal Transferring Area
211.3230 Lacquers
211.3250 Large Appliance
211.3270 Large Appliance Coating
211.3290 Large Appliance Coating Line
211.3310 Light Liquid
211.3330 Light-Duty Truck
211.3350 Light Oil
211.3370 Liquid/Gas Method
211.3390 Liquid-Mounted Seal
211.3410 Liquid Service
211.3430 Liquids Dripping
211.3450 Lithographic Printing Line
211.3470 Load-Out Area
211.3480 Loading Event
211.3483 Long Dry Kiln
211.3485 Long Wet Kiln
211.3487 Low-NO_x Burner
211.3490 Low Solvent Coating
211.3500 Lubricating Oil
211.3510 Magnet Wire
211.3530 Magnet Wire Coating
211.3550 Magnet Wire Coating Line
211.3570 Major Dump Pit

211.3590 Major Metropolitan Area (MMA)
211.3610 Major Population Area (MPA)
211.3620 Manually Operated Equipment
211.3630 Manufacturing Process
211.3650 Marine Terminal
211.3660 Marine Vessel
211.3670 Material Recovery Section
211.3690 Maximum Theoretical Emissions
211.3695 Maximum True Vapor Pressure
211.3710 Metal Furniture
211.3730 Metal Furniture Coating
211.3750 Metal Furniture Coating Line
211.3770 Metallic Shoe-Type Seal
211.3780 Mid-Kiln Firing
211.3790 Miscellaneous Fabricated Product Manufacturing Process
211.3810 Miscellaneous Formulation Manufacturing Process
211.3830 Miscellaneous Metal Parts and Products
211.3850 Miscellaneous Metal Parts and Products Coating
211.3870 Miscellaneous Metal Parts or Products Coating Line
211.3890 Miscellaneous Organic Chemical Manufacturing Process
211.3910 Mixing Operation
211.3915 Mobile Equipment
211.3930 Monitor
211.3950 Monomer
211.3960 Motor Vehicles
211.3965 Motor Vehicle Refinishing
211.3970 Multiple Package Coating
211.3980 Nameplate Capacity
211.3990 New Grain-Drying Operation (Repealed)
211.4010 New Grain-Handling Operation (Repealed)
211.4030 No Detectable Volatile Organic Material Emissions
211.4050 Non-Contact Process Water Cooling Tower
211.4055 Non-Flexible Coating
211.4065 Non-Heatset
211.4067 NO_x Trading Program
211.4070 Offset
211.4090 One Hundred Percent Acid
211.4110 One-Turn Storage Space
211.4130 Opacity
211.4150 Opaque Stains

211.4170 Open Top Vapor Degreasing
211.4190 Open-Ended Valve
211.4210 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230 Organic Compound
211.4250 Organic Material and Organic Materials
211.4260 Organic Solvent
211.4270 Organic Vapor
211.4290 Oven
211.4310 Overall Control
211.4330 Overvarnish
211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370 Owner or Operator
211.4390 Packaging Rotogravure Printing
211.4410 Packaging Rotogravure Printing Line
211.4430 Pail
211.4450 Paint Manufacturing Source or Paint Manufacturing Plant
211.4470 Paper Coating
211.4490 Paper Coating Line
211.4510 Particulate Matter
211.4530 Parts Per Million (Volume) or PPM (Vol)
211.4550 Person
211.4590 Petroleum
211.4610 Petroleum Liquid
211.4630 Petroleum Refinery
211.4650 Pharmaceutical
211.4670 Pharmaceutical Coating Operation
211.4690 Photochemically Reactive Material
211.4710 Pigmented Coatings
211.4730 Plant
211.4740 Plastic Part
211.4750 Plasticizers
211.4770 PM-10
211.4790 Pneumatic Rubber Tire Manufacture
211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830 Polyester Resin Material(s)
211.4850 Polyester Resin Products Manufacturing Process
211.4870 Polystyrene Plant
211.4890 Polystyrene Resin

211.4910 Portable Grain-Handling Equipment
211.4930 Portland Cement Manufacturing Process Emission Source
211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
211.4960 Potential Electrical Output Capacity
211.4970 Potential to Emit
211.4990 Power Driven Fastener Coating
211.5010 Precoat
211.5015 Preheater Kiln
211.5020 Preheater/Precalciner Kiln
211.5030 Pressure Release
211.5050 Pressure Tank
211.5060 Pressure/Vacuum Relief Valve
211.5061 Pretreatment Wash Primer
211.5065 Primary Product
211.5070 Prime Coat
211.5080 Primer Sealer
211.5090 Primer Surfacer Coat
211.5110 Primer Surfacer Operation
211.5130 Primers
211.5150 Printing
211.5170 Printing Line
211.5185 Process Emission Source
211.5190 Process Emission Unit
211.5210 Process Unit
211.5230 Process Unit Shutdown
211.5245 Process Vent
211.5250 Process Weight Rate
211.5270 Production Equipment Exhaust System
211.5310 Publication Rotogravure Printing Line
211.5330 Purged Process Fluid
211.5340 Rated Heat Input Capacity
211.5350 Reactor
211.5370 Reasonably Available Control Technology (RACT)
211.5390 Reclamation System
211.5410 Refiner
211.5430 Refinery Fuel Gas
211.5450 Refinery Fuel Gas System
211.5470 Refinery Unit or Refinery Process Unit
211.5480 Reflective Argent Coating
211.5490 Refrigerated Condenser

211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5880	Screen Printing on Paper
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings

211.6145 Specialty Coatings for Motor Vehicles
211.6150 Specialty High Gloss Catalyzed Coating
211.6170 Specialty Leather
211.6190 Specialty Soybean Crushing Source
211.6210 Splash Loading
211.6230 Stack
211.6250 Stain Coating
211.6270 Standard Conditions
211.6290 Standard Cubic Foot (scf)
211.6310 Start-Up
211.6330 Stationary Emission Source
211.6350 Stationary Emission Unit
211.6355 Stationary Gas Turbine
211.6360 Stationary Reciprocating Internal Combustion Engine
211.6370 Stationary Source
211.6390 Stationary Storage Tank
211.6400 Stencil Coat
211.6410 Storage Tank or Storage Vessel
211.6420 Strippable Spray Booth Coating
211.6430 Styrene Devolatilizer Unit
211.6450 Styrene Recovery Unit
211.6470 Submerged Loading Pipe
211.6490 Substrate
211.6510 Sulfuric Acid Mist
211.6530 Surface Condenser
211.6540 Surface Preparation Materials
211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570 Tablet Coating Operation
211.6580 Texture Coat
211.6590 Thirty-Day Rolling Average
211.6610 Three-Piece Can
211.6620 Three or Four Stage Coating System
211.6630 Through-the-Valve Fill
211.6650 Tooling Resin
211.6670 Topcoat
211.6690 Topcoat Operation
211.6695 Topcoat System
211.6710 Touch-Up
211.6720 Touch-Up Coating
211.6730 Transfer Efficiency

211.6750 Tread End Cementing
211.6770 True Vapor Pressure
211.6790 Turnaround
211.6810 Two-Piece Can
211.6830 Under-the-Cup Fill
211.6850 Undertread Cementing
211.6860 Uniform Finish Blender
211.6870 Unregulated Safety Relief Valve
211.6880 Vacuum Metallizing
211.6890 Vacuum Producing System
211.6910 Vacuum Service
211.6930 Valves Not Externally Regulated
211.6950 Vapor Balance System
211.6970 Vapor Collection System
211.6990 Vapor Control System
211.7010 Vapor-Mounted Primary Seal
211.7030 Vapor Recovery System
211.7050 Vapor-Suppressed Polyester Resin
211.7070 Vinyl Coating
211.7090 Vinyl Coating Line
211.7110 Volatile Organic Liquid (VOL)
211.7130 Volatile Organic Material Content (VOMC)
211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170 Volatile Petroleum Liquid
211.7190 Wash Coat
211.7200 Washoff Operations
211.7210 Wastewater (Oil/Water) Separator
211.7230 Weak Nitric Acid Manufacturing Process
211.7250 Web
211.7270 Wholesale Purchase – Consumer
211.7290 Wood Furniture
211.7310 Wood Furniture Coating
211.7330 Wood Furniture Coating Line
211.7350 Woodworking
211.7400 Yeast Percentage

211.APPENDIX A Rule into Section Table
211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27, 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 R04-20 at 29 Ill. Reg. _____, effective _____.

Section 211.953 Carbon Adsorber

"Carbon Adsorber" means a control device designed to remove and, if desired, recover volatile organic material (VOM) from process emissions where removal of VOM is accomplished

through the adherence of the VOM onto the surface of highly porous adsorbent particles, such as activated carbon. The term "carbon adsorber" describes any adsorber technology used as a control device even though media other than carbon may be used as the adsorbent, such as oxides of silicon and aluminum.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 211.5880 Screen Printing on Paper

"Screen Printing on Paper" means a process that would otherwise be paper coating as defined in Section 211.4470 of this Part, except ink is passed through a taut screen or fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.

(Source: Added at 29 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Sulfur Limitations

2) Code citation: 35 Ill. Adm. Code 214

3)

Section Numbers:	Proposed Action:
214.162	Amendment
214.183	Amendment
214.184	Amendment
214.421	Amendment
214.Appendix C	Amendment

4) Statutory authority: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10 and 27]

5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of April 21, 2005, in consolidated Board dockets R04-12 and R04-20. This proposal to amend Part 214 of the Board's air pollution control regulations is part of a larger rulemaking in which the Board is also proposing amendments to other air regulations for stationary sources of emissions at 35 Ill Adm. Code 211, 218, and 219. The Board is using docket R04-12 to correct typographical errors in formulas in Part 214 (Sulfur Limitations). The Board is using docket R04-20 to amend Part 211 (Definitions and General Provisions), Part 218 (Organic Material Emission Standards and Limitations for the Chicago Area), and Part 219 (Organic Material Emission Standards and Limitations for the Metro East Area).

The R04-20 amendments are intended primarily to correct, update, and clarify rules implementing federal Clean Air Act requirements for volatile organic material (VOM) emissions reductions in the Chicago and Metro East ozone areas. This proposal addresses, among other things, capture efficiency, carbon adsorbers and control device monitoring, screen printers, sealers and topcoats, lithographic printing, natural gas fired afterburners, perchloroethylene dry cleaners, and motor vehicle refinishing. The amendments are intended to be non-substantive and emissions-neutral, and to benefit the regulated community by reducing the burden of, and increasing the flexibility in, demonstrating compliance.

Specifically, the amendments to Part 214 are intended to correct typographical errors in formulas that appear to have occurred during recodification of the Illinois Administrative Code.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: The proposed rulemaking does not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner In Which Interested Persons May Comment On This Proposed Rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket number R04-12 and R04-20 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Richard McGill, at 312-814-6983 or email at mcgillr@ipcb.state.il.us.

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at http:\\www.ipcb.state.il.us.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The correction of typographical errors in formulas in Part 214 may impact a small business, small municipality, and not-for-profit corporation if it is a stationary source of sulfur emissions.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require reporting, bookkeeping and other procedures in order to maintain compliance.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney,

certified public accountant, chemist and registered professional engineer.

13) Regulatory agenda on which this rulemaking was summarized: January 2005

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 214
SULFUR LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
214.100 Scope and Organization
214.101 Measurement Methods
214.102 Abbreviations and Units
214.103 Definitions
214.104 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section
214.120 Scope
214.121 Large Sources
214.122 Small Sources

SUBPART C: EXISTING SOLID FUEL COMBUSTION EMISSION SOURCES

Section
214.140 Scope
214.141 Sources Located in Metropolitan Areas
214.142 Small Sources Located Outside Metropolitan Areas
214.143 Large Sources Located Outside Metropolitan Areas

SUBPART D: EXISTING LIQUID OR MIXED FUEL
COMBUSTION EMISSION SOURCES

Section
214.161 Liquid Fuel Burned Exclusively
214.162 Combination of Fuels

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: AGGREGATION OF SOURCES OUTSIDE METROPOLITAN AREAS

Section
214.181 Dispersion Enhancement Techniques
214.182 Prohibition
214.183 General Formula
214.184 Special Formula
214.185 Alternative Emission Rate
214.186 New Operating Permits

SUBPART F: ALTERNATIVE STANDARDS FOR SOURCES INSIDE METROPOLITAN AREAS

Section
214.201 Alternative Standards for Sources in Metropolitan Areas
214.202 Dispersion Enhancement Techniques

SUBPART K: PROCESS EMISSION SOURCES

Section
214.300 Scope
214.301 General Limitation
214.302 Exception for Air Pollution Control Equipment
214.303 Use of Sulfuric Acid
214.304 Fuel Burning Process Emission Source

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND CHEMICAL MANUFACTURING

Section
214.380 Scope
214.381 Sulfuric Acid Manufacturing
214.382 Petroleum and Petrochemical Processes
214.383 Chemical Manufacturing
214.384 Sulfate and Sulfite Manufacturing

SUBPART P: STONE, CLAY, GLASS AND CONCRETE PRODUCTS

Section
214.400 Scope

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

214.401 Glass Melting and Heat Treating
214.402 Lime Kilns

SUBPART Q: PRIMARY AND SECONDARY METAL MANUFACTURING

Section
214.420 Scope
214.421 Combination of Fuels at Steel Mills in Metropolitan Areas
214.422 Secondary Lead Smelting in Metropolitan Areas
214.423 Slab Reheat Furnaces in St. Louis Area

SUBPART V: ELECTRIC POWER PLANTS

Section
214.521 Winnetka Power Plant

SUBPART X: UTILITIES

Section
214.560 Scope
214.561 E. D. Edwards Electric Generating Station
214.562 Coffeen Generating Station

214.APPENDIX A Rule into Section Table
214.APPENDIX B Section into Rule Table
214.APPENDIX C Method used to Determine Average Actual Stack Height and Effective Height of Effluent Release
214.APPENDIX D Past Compliance Dates

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

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 204: Sulfur Emission Standards and Limitations, 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 R74-2, R75-5, 38 PCB 129, at 4 Ill. Reg. 28, p. 417, effective June 26, 1980; amended in R78-17, 40 PCB 291, at 5 Ill. Reg. 1892, effective February 17, 1981; amended in R77-15, 44 PCB 267, at 6 Ill. Reg. 2146, effective January 28, 1982; amended and renumbered in R80-22(A) at 7 Ill. Reg. 4220, effective March 28, 1983; codified at 7 Ill. Reg. 13597; amended in R80-22(B) at 8 Ill. Reg. 6172, effective April 24, 1984; amended in R84-28 at 10 Ill. Reg. 9806, effective May 20, 1986;

amended in R86-31 at 12 Ill. Reg. 17387, effective October 14, 1988; amended in R86-30 at 12 Ill. Reg. 20778, effective December 5, 1988; amended in R87-31 at 15 Ill. Reg. 1017, effective January 15, 1991; amended in R02-21 at 27 Ill. Reg. 12101, effective July 11, 2003; amended in R04-12/20 at 29 Ill. Reg. _____, effective _____.

SUBPART D: EXISTING LIQUID OR MIXED FUEL COMBUSTION EMISSION SOURCES

Section 214.162 Combination of Fuels

a) No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any fuel combustion emission source burning simultaneously any combination of solid, liquid and gaseous fuels to exceed the allowable emission rate determined by the following equation:

$$E = S_S H_S \pm S_d \pm S_R H_R$$

$$\cancel{E = AX + BY + CZ}$$

b) Symbols in the equation mean the following:

E	=	allowable sulfur dioxide emission rate;
S_S~~A~~	=	solid fuel sulfur dioxide emission standard which is applicable;
S_d~~B~~	=	distillate oil sulfur dioxide emission standard determined from the table in subsection (d);
S_R~~C~~	=	residual fuel oil sulfur dioxide emission standard;
H_S~~X~~	=	actual heat input from solid fuel;
H_d~~Y~~	=	actual heat input from distillate fuel oil;
H_R~~Z~~	=	actual heat input from residual fuel oil.~~;~~

c) That portion of the actual heat input that is derived:

1) From the burning of gaseous fuels produced by the gasification of solid fuels shall be included in H_S~~X~~;

2) From the burning of gaseous fuels produced by the gasification of distillate fuel oil shall be included in H_d~~Y~~;

3) From the burning of gaseous fuels produced by the gasification of residual fuel oil shall be included in H_R~~Z~~;

4) From the burning of gaseous fuels produced by the gasification of any other liquid fuel shall be included in H_R~~Z~~; and~~,~~

5) From the burning of by-product gases such as those produced from a blast furnace or a catalyst regeneration unit in a petroleum refinery shall be included in H_R~~Z~~.

d) Metric or English units may be used in the equation of subsection (a) as follows:

Parameter	Metric	English
E	kg/hr	lbs/hr
S_S~~A~~, S_R~~C~~	kg/MW-hr	lbs/Mbtu~~lbs/mmbtu~~
S_d~~B~~	0.46 kg/MW-hr	0.3 lbs/Mbtu~~lbs/mmbtu~~
H_S~~X~~, H_d~~Y~~, H_R~~Z~~	MW	Mbtu/hr~~mmbtu/hr~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART E: AGGREGATION OF SOURCES
OUTSIDE METROPOLITAN AREAS

Section 214.183 General Formula

a) The general formula is:

$$E = \frac{(H_A)^{0.11}(H_E)^2}{128} \quad \text{(in English units)}$$

$$E = 0.04347(H_A)^{0.11}(H_E)^2 \quad \text{(in Metric units)}$$

$$\cancel{E = A\,X^B\,Y^C}$$

b) Symbols used in the general formula mean the following:

E = Total allowable emission of sulfur dioxide (in lbs/hr or kg/hr) into the atmosphere in any one-hour period from all fuel combustion emission sources owned or operated by such person and located within a 1.6 km (1 mile) radius from the center point of any such emission source.

H_A~~X~~ = Average actual stack height as determined by method outlined in

Appendix C.

H_E~~Y~~ = Effective height of effluent release as determined by method outlined in Appendix C.

~~c) The general formula may be used with either metric or English units as follows:~~

~~Parameter~~	~~Metric~~	~~English~~
~~E~~	~~kg/hr~~	~~lbs/hr~~
~~X, Y~~	~~m~~	~~ft~~
~~A~~	~~0.04347 kg/hr~~	~~0.007813 lbs/hr~~
~~B~~	~~0.11~~	~~0.11~~
~~C~~	~~2~~	~~2~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 214.184 Special Formula

a) If the maximum total emissions of sulfur dioxide into the atmosphere in any one hour period from all fuel combustion emission sources owned or operated by any person and located within a 1 mile (1.6 km) radius from the center point of any such fuel combustion emission sources exceed, during normal cyclical variations in firing rate and fuel, the emissions allowed under Section 214.183 but, as of April 1, 1978, were in compliance with either the formula detailed below or a Pollution Control Board (Board) order, then the owner or operator of the emission sources shall not cause or allow such emissions to exceed the emissions allowed under Section 214.183 or the formula detailed below, whichever the owner or operator of the emission sources determines shall apply.

b)

$$E = 20{,}000 \left(\frac{H_S}{300}\right)^2 \qquad \text{(in English units)}$$

$$E = .4536 \times 20{,}000 \left(\frac{H_S}{300}\right)^2 \qquad \text{(in Metric units)}$$

$$\cancel{E = 0.2222^2}$$

$$H = P_1 H_1 + P_2 H_2 + \ldots P_n H_n$$

(Note: $P_1 + P_2 \ldots P_n = 1$)

c) As used in these equations, symbols mean the following:

E = total emission of sulfur dioxide in~~,~~ lbs/hr or kg/hr ~~pounds per hour,~~ into the atmosphere in any one hour period from all fuel combustion emission sources owned or operated by such person and located within a 1 mile (1.6 km) radius from the center point of any such emission source;

P_i = (for i=1, 2,…,n) percentage or total emissions E emitted from source i expressed as decimal equivalents (e.g., 21% = 0.21); and

H_i = (for i=1, 2,…,n) physical height (in feet or meters) above grade of stack i.

~~P_i, I = 1, 2, . . . , n = percentage of total emissions E emitted from source i divided by 100, and~~

~~H_i, I = 1, 2 . . . , n = physical height in feet above grade of stack i.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART Q: PRIMARY AND SECONDARY
METAL MANUFACTURING

Section 214.421 Combination of Fuels at Steel Mills in Metropolitan Areas

a) Section 214.162 notwithstanding, no person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any existing fuel combustion emission source at a steel mill located in the Chicago or St. Louis (Illinois) major metropolitan area burning any solid, liquid or gaseous fuel, or any combination thereof, to exceed the allowable emission rate determined by the following equation:

$$E = S_S H_S + S_d H_d + S_R H_R + S_G H_G$$

~~$E = AW + BX + CY + DZ$~~

b) Symbols in the equation mean the following:

E = allowable sulfur dioxide emission rate;
S_S~~A~~ = solid fuel sulfur dioxide emission standard which is applicable;
S_d~~B~~ = distillate oil sulfur dioxide emission standard determined from the table in subsection (d);
S_R~~C~~ = residual oil sulfur dioxide emission standard which is applicable;
S_G~~D~~ = maximum by-product gas sulfur dioxide emissions which would result if the applicable by-product gas which was burned had been burned alone at any time during the 12 months preceding the latest operation, on or before March 28, 1983, of an emission source using any by-product gas;~~.~~
H_S~~W~~ = actual heat input from solid fuel;
H_d~~X~~ = actual heat input from distillate fuel oil;
H_R~~Y~~ = actual heat input from residual fuel oil;
H_G~~Z~~ = actual heat input from by-product gases, such as those produced from a blast furnace.

c) That portion of the actual heat input that is derived:

1) From the burning of gaseous fuels produced by the gasification of solid fuels shall be included in H_S~~W~~;

2) From the burning of gaseous fuels produced by the gasification of distillate fuel oil shall be included in H_d~~X~~;

3) From the burning of gaseous fuels produced by the gasification of residual fuel oil shall be included in H_R~~Y~~; and

4) From the burning of gaseous fuels produced by the gasification of any other liquid fuel shall be included in H_G~~Z~~.

d) Metric or English units may be used in the equation of subsection (a) as follows:

Parameter	Metric	English
E	kg/hr	lbs/hr
S_S~~A~~, S_R~~C~~, S_G~~D~~	kg/MW-hr	lbs/Mbtu ~~lbs/mmbtu~~
S_d~~B~~	0.46 kg/MW-hr	0.3 lbs/Mbtu ~~lbs/mmbtu~~
H_S~~W~~, H_d~~X~~, H_R~~Y~~, H_G~~Z~~	MW	Mbtu/hr ~~mmbtu/hr~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 214.APPENDIX C Method used to Determine Average Actual Stack Height and Effective Height of Effluent Release

Q ~~(Btu/sec)~~ = Heat emission rate (in btu/sec or Kcal/sec as determined by method outlined below.

ΔH ~~(feet)~~ = Plume rise (in feet or meters).

H = Physical height (in feet or meters)~~,~~ above grade of each stack, except that for purposes of this calculation the value used for such stack height shall not exceed good engineering practice as defined by Section 123 of the Clean Air Act and Regulations promulgated thereunder, unless the owner or operator of the source demonstrates to the Agency that a greater height is necessary to prevent downwash or fumigation conditions.

T ~~(Degrees Rankine)~~ = Exit temperature of stack gases (in degrees Rankine or degrees Kelvin) from each source during operating conditions that ~~which~~ would cause maximum emissions.

V ~~(feet/sec)~~ = Exit velocity of stack gases (in feet/sec or meters/sec from each source under operating conditions that ~~which~~ would cause maximum emissions.

D ~~(feet)~~ = Diameter of stack (in feet or meters).

P = Percentage of total emissions expressed as decimal equivalents emitted from each source. Example: 21% = 0.21. NOTE: The sum of $P_1 + P_2 \ldots + P_n = 1$. The emission values to be used are those which occur during operating conditions which would cause maximum emissions.

H_A~~X~~ = Average actual stack height (in feet or meters).

H_E~~Y~~ = Effective height of effluent release (in feet or meters).

STEP 1: Determine weighted average stack parameters utilizing the following formulae:

$$D = P_1 D_1 + P_2 D_2 + \ldots + P_n D_n$$

$$V = P_1 V_1 + P_2 V_2 + \ldots + P_n V_n$$

$$T = P_1 T_1 + P_2 T_2 + \ldots + P_n T_n$$

$$H_A \cancel{X} = P_1 H_1 \quad P_2 H_2 + \ldots + P_n H_n$$

NOTE:

P_1, D_1, V_1, T_1, ~~P1, D1, V1, T1,~~ and H_1 ~~H1~~ are the percentage of total emissions, stack diameter, exit velocity of gases, exit temperature of stack gases, and physical stack height, respectively, for the first source; P_2, D_2, V_2, T_2, ~~P2, D2, V2, T2,~~ and H_2 ~~H2~~ are the respective values for the second source; similarly, P_n, D_n, V_n, T_n, ~~Pn, Dn, Vn, Tn~~ and H_n ~~Hn~~ are the respective values for the nth source, where n is the number of the last source.

STEP 2: Calculate heat emission rate utilizing the following formula and the weighted average stack parameters obtained in Step 1:

$$Q_H = 7.54D^2V \frac{(T-515)}{T} \qquad \text{(in English units)}$$

$$Q_H = 67D^2V \frac{(T-286)}{T} \qquad \text{(in Metric units)}$$

$$\cancel{Q = 7.54D2V \frac{(T - 515)}{T}}$$

STEP 3: Calculate plume rise utilizing the appropriate formula given below and the total heat emission rate obtained in Step 2:

$$\Delta H = \frac{2.58(Q_H)^{0.6}}{(H_A)^{0.11}} \qquad \text{(in English units for } Q_H \geq 6000 \text{ btu/sec)}$$

$$\Delta H = \frac{1.58(Q_H)^{0.6}}{(H_A)^{0.11}} \qquad \text{(in Metric units for } Q_H \geq 1500 \text{ Kcal/sec)}$$

$$\Delta H = \frac{0.718(Q_H)^{0.75}}{(H_A)^{0.11}} \qquad \text{(in English units for } Q_H < 6000 \text{ btu/sec)}$$

$$\Delta H = \frac{0.54(Q_H)^{0.75}}{(H_A)^{0.11}} \qquad \text{(in Metric units for } Q_H < 1500 \text{ Kcal/sec)}$$

$$\cancel{H = \frac{2.58\,(Q)^{0.6}}{(x)0.11} \quad \text{for Q} \quad 6000 \text{ btu/sec.}}$$

$$\cancel{H = \frac{0.718\,(Q)^{0.75}}{(x)0.11}} \qquad \cancel{\text{for } Q} \qquad \cancel{6000 \text{ btu/sec.}}$$

STEP 4: Calculate the weighted average facility effective height of effluent release utilizing the plume rise obtained in Step 3, the average stack height obtained in Step 1, and the formula given below:

$$H_E = H_A + \Delta H$$

$$\cancel{Y = X + H}$$

STEP 5: Calculate the total facility hourly emission limitation utilizing the weighted actual stack height obtained in Step 1, the effective stack height given in Step 4, and the following formula:

$$E = \frac{(H_A)^{0.11}\,(H_E)^2}{128} \qquad \text{(in English units)}$$

$$E = 0.04347(H_A)^{0.11}\,(H_E)^2 \qquad \text{(in Metric units)}$$

$$\cancel{E = \frac{(X)^{0.11}\,(Y)^2}{128}}$$

(Source: Amended at 29 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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	Amendment
218.112	Amendment
218.204	Amendment
218.405	Amendment
218.406	Amendment
218.407	Amendment
218.410	Amendment
218.411	Amendment
218.601	Repeal
218.602	Repeal
218.603	Repeal
218.790	Repeal
218.792	Amendment
218.Appendix B	Repeal

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: A more complete description of this proposal may be found in the Board's opinion and order of April 21, 2005, in consolidated Board dockets R04-12 and R04-20. This proposal to amend Part 218 of the Board's air pollution control regulations is part of a larger rulemaking in which the Board is also proposing amendments to other air regulations for stationary sources of emissions at 35 Ill Adm. Code 211, 214, and 219. The Board is using docket R04-12 to correct typographical errors in formulas in Part 214 (Sulfur Limitations). The Board is using docket R04-20 to amend Part 211 (Definitions and General Provisions), Part 218 (Organic Material Emission Standards and Limitations for the Chicago Area), and Part 219 (Organic Material Emission Standards and Limitations for the Metro East Area).

The R04-20 amendments are intended primarily to correct, update, and clarify rules implementing federal Clean Air Act requirements for volatile organic material (VOM) emissions reductions in the Chicago and Metro East ozone areas. This proposal addresses, among other things, capture efficiency, carbon adsorbers and control device monitoring, screen printers, sealers and topcoats, lithographic printing, natural gas fired

afterburners, perchloroethylene dry cleaners, and motor vehicle refinishing. The amendments are intended to be non-substantive and emissions-neutral, and to benefit the regulated community by reducing the burden of, and increasing the flexibility in, demonstrating compliance.

Specifically, the amendments to Part 218, which apply to the Chicago area, add alternative capture efficiency test methods, clarify language related to screen printers and wood furniture coating, and propose corrections and clarifying amendments to the lithographic printing regulations. The amendments seek to repeal certain VOM provisions related to perchloroethylene dry cleaning facilities. While perchloroethylene continues to be regulated as a hazardous air pollutant and under the national emission standards for hazardous air pollutants, the United States Environmental Protection Agency has excluded perchloroethylene from the definition of volatile organic compounds (VOC) due to its negligible photochemical reactivity (see 61 Fed. Reg. 4588, Feb. 7, 1996). The Board adopted identical in substance amendments in response to that federal action (see R96-16). The amendments to Part 218 are intended to compliment these prior actions.

This rulemaking also seeks to repeal certain reporting and record keeping requirements for motor vehicle finishing shops as the Illinois Environmental Protection Agency has found that these requirements are not necessary.

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

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

8) Does this rulemaking contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket number R04-12 and R04-20 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

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State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Richard McGill, at 312-814-6983 or email at mcgillr@ipcb.state.il.us.

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at http:\\www.ipcb.state.il.us.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may impact a small business, small municipality, and not-for-profit corporation if it is a stationary source of VOM emissions that is located in the Chicago ozone area. The Chicago area is composed of Cook, DuPage, Kane, Lake, McHenry and Will Counties, and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require reporting, bookkeeping and other procedures in order to maintain compliance.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

13) Regulatory agenda on which this rulemaking was summarized: January 2005

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

POLLUTION CONTROL BOARD

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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.APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C Reference Methods and Procedures

218.APPENDIX D	Coefficients for the Total Resource Effectiveness Index (TRE) Equation
218.APPENDIX E	List of Affected Marine Terminals
218.APPENDIX G	TRE Index Measurements for SOCMI Reactors and Distillation Units
218.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

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

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-20 at 29 Ill. Reg. _____, effective _____.

~~BOARD NOTE: This Part implements the Environmental Protection Act as of July 1, 1994.~~

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 D3925-81 (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 E300-86 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 Part 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 D1475-85: 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 D2369-87: 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 D3792-86: 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 D4017-81 (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 D4457-85: 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 D2697-86: 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 D3980-87: 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 E180-85: 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 D2372-85: 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: "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.

2) Prior to testing pursuant to the topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in Sections 218.204(a)(2) or 218.204(a)(3) shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated consistent with the 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, which 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)~~below~~.

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~~Procedure T~~ of Appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part.~~Appendix B 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) below, 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) below 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) below 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~~Specific Requirements~~
The capture efficiency of an emission unit shall be measured using one of the ~~four~~ protocols given in this subsection (c)(2)~~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 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~~provided that the alternative protocol is approved by the Agency and approved by the USEPA as a SIP revision~~.

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~~Procedure T~~ of Appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part.~~Appendix B of this Part.~~ The capture efficiency equation to be used for this protocol is:

$$CE = G_w/(G_w + F_w)$$

where:

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

Method 204B or 204CProcedure G.2 contained in Appendix M of 40 CFR 51 Appendix B of this Part is used to obtain G_w~~w~~. Method 204D in Appendix M of 40 CFR 51Procedure F.1 in Appendix B of this Part is used to obtain F_w~~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 204Procedure T of Appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part.Appendix B of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = (L-F_w w)/L$$

where:

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

Method 204A or 204FProcedure L contained in Appendix M of 40 CFR 51Appendix B of this Part is used to obtain L. Method 204 DProcedure F.1 in Appendix M of 40 CFR 51Appendix B of this Part is used to obtain F_w~~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 described in Method 204 of Appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, and in which "F_B""F" 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:

$$CE = G/(G + F_B)$$

where:

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

Method 204B or 204CProcedure G.2 contained in Appendix M of 40 CFR 51Appendix B of this Part is used to obtain G. Method 204EProcedure F.2 in Appendix M of 40 CFR 51Appendix B 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 described in Method 204 of Appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, and in which "F_B""F" 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:

$$CE = (L- F_B)/L$$

where:

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

Method 204A or 204FProcedure L contained in Appendix M of 40

CFR 51 ~~Appendix B of this Part~~ is used to obtain L. Method 204E~~Procedure F.2~~ in Appendix M of 40 CFR 51~~Appendix B 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. 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. 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 in 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.

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 in 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)~~3)~~ 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 ~~sixty (~~60~~)~~ days of the test date. A copy of the results must be kept on file with the source for a period of ~~three (~~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 ~~Procedure T (~~in Appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part,~~Appendix B 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 ~~Procedure T (~~in Appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part,~~Appendix B 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~~afterburner or carbon adsorber~~ 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° C, whichever is greater.

C)~~B)~~ Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A) above, 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) 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:

$$E = ([VOM_a - VOM_l] / VOM_a) \times 100$$

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~~l~~ (lb VOM/gal) of coating solids as applied.

f) Volatile Organic Material Gas Phase Source Test Methods
The methods in 40 CFR ~~Part~~ 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 ~~Part~~ 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 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 absorber 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 ~~Part~~ 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 ~~Part~~ 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 ~~Part~~ 60, Appendix A, Method 3, incorporated by reference in Section 218.112 of this Part, shall be used for gas analysis.

5) 40 CFR ~~Part~~ 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 ~~Part~~ 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 above 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 methods~~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 29 Ill. Reg. _____, effective _____)

Section 218.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments.

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-9555:

1) ASTM D2879-86

2) ASTM D323-82

3) ASTM D86-82

4) ASTM D-369-69 (1971)

5) ASTM D-396-69

6) ASTM D2880-71

7) ASTM D-975-68

8) ASTM D3925-81 (1985)

9) ASTM E300-86

10) ASTM D1475-85

11) ASTM D2369-87

12) ASTM D3792-86

13) ASTM D4017-81 (1987)

14) ASTM D4457-85

15) ASTM D2697-86

16) ASTM D3980-87

17) ASTM E180-85

18) ASTM D2372-85

19) ASTM D97-66

20) ASTM E-168-67 (1977)

21) ASTM E-169-87

22) ASTM E-260-91

23) ASTM D2504-83

24) ASTM D2382-83

25) ASTM D323-82 (approved 1982)

26) ASTM D2099-00

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, Appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

i) 40 CFR 80 (July 1, 1991) and 40 CFR ~~Part~~ 80, Appendixes D, E, and F (July 1, 1993).

j) "A Guide for Surface Coating Calculation", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating" (revised June 1986), United States Environmental Protection Agency, Washington, D.C., EPA-450/3-84-019.

l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-88-003.

m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-018.

n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", United States Environmental Protection Agency,

Washington, D.C., EPA-450/2-78-029.

o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/-78-051.

p) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

r) "Portable Instrument User's Manual for Monitoring VOC Sources", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", Unites States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

t) "Petroleum Refinery Enforcement Manual", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

w) "Technical Guidance – Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

y) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions.

z) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins.

aa) "Guidelines for Determining Capture Efficiency," Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park, NC, January 1995.

bb) Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions," John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, February 1995.

(Source: Amended at 29 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 provided in Section 218.204(l), 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:

a)	Automobile or Light-Duty Truck Coating		kg/ℓ~~l~~	lb/gal
	1)	Prime coat	0.14 0.14*	(1.2) (1.2)*
	2)	Primer surface coat	1.81 1.81*	(15.1) (15.1)*

BOARDNOTE:~~(Note:~~ The primer surface coat limitation is in units of kg (lbs) of VOM/ℓ ~~per 1~~ (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) 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.~~)~~

3)	Topcoat	kg/ℓ~~l~~ 1.81 1.81*	lb/gal (15.1) (15.1)*

BOARDNOTE:~~(Note:~~ The topcoat limitation is in units of kg (lbs) of VOM/ℓ ~~per 1~~ (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) 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.~~)~~

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

				kg/ℓ~~l~~	lb/gal
b)	Can Coating				
	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			kg/ℓ~~l~~ 0.35 0.28*	lb/gal (2.9) (2.3)*

BOARDNOTE:~~(Note:~~ The paper coating limitation shall not apply to any owner or operator of any paper coating line on which flexographic or rotogravure printing is performed if the paper coating line complies with the emissions limitations in ~~Subpart H: Printing and Publishing,~~ Section 218.401 of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part.~~)~~

		kg/ℓ~~l~~	lb/gal
d)	Coil Coating	0.31	(2.6)
		0.20*	(1.7)*
e)	Fabric Coating	0.35	(2.9)
		0.28*	(2.3)*
f)	Vinyl Coating	0.45	(3.8)
		0.28*	(2.3)*
g)	Metal Furniture Coating		
	1) Air dried	0.36	(3.0)
		0.34*	(2.8)*
	2) Baked	0.36	(3.0)
		0.28*	(2.3)*
h)	Large Appliance Coating		
	1) Air dried	0.34	(2.8)
		0.34*	(2.8)*
	2) Baked	0.34	(2.8)
		0.28*	(2.3)*

BOARDNOTE:~~Note:~~ The limitation 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.~~)~~

		kg/ℓ~~l~~	lb/gal
i)	Magnet Wire Coating	0.20	(1.7)
		0.20*	(1.7)*
j)	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 ~~218.204~~(j)(5) of this Section, the following terms are defined:

i) "Corrosion resistant basecoat" means, for purposes of subsection ~~218.204~~(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 ~~218.204~~(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 ~~218.204~~(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 ~~218.204~~(j)(6) of this Section, "metallic coating" means a coating which contains more than ¼ lb/gal of metal particles, as applied.

k)	Heavy Off-Highway Vehicle Products Coating	kg/ℓ~~l~~	lb/gal
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) above.

l) Wood Furniture Coating

1) Limitations before March 15, 1998:

		kg/ℓ~~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)

BOARDNOTE:~~(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~~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), below:

		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 ~~Non~~-acid-cured alkyd amino vinyl sealer	1.9	(1.9)
ii)	Topcoat other than ~~Non~~-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 Part~~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~~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 Part~~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~~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	(3.5)

			0.42*	(3.5)*
	3)	Final repair coat (air dried)	0.42	(3.5)
			0.42*	(3.5)*
	4)	High-temperature aluminum coating	0.72	(6.0)
			0.72*	(6.0)*
	5)	All other coatings	0.36	(3.0)
			0.36*	(3.0)*
n)	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)*
o)	Plastic Parts Coating: Business Machine		kg/~~l~~ℓ	lb/gal
	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)*

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART H: PRINTING AND PUBLISHING

Section 218.405 Lithographic Printing: Applicability

a) Until March 15, 1996, the limitations of Section 218.406 of this Subpart apply to all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with the heatset web offset lithographic printing lines~~line(s)~~) at a source subject to the requirements of this Subpart. All sources with heatset web offset lithographic printing lines are sources subject to the requirements of this Subpart unless:

1) Total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with the heatset web offset lithographic printing lines~~line(s)~~) at the source never exceed 90.7 Mg (100 tons) per calendar year in the absence of air pollution control equipment; or

2) A federally enforceable permit or SIP revision for all heatset web offset lithographic printing lines~~line(s)~~ at a source requires the owner or operator to limit production or capacity of these printing lines~~line(s)~~ to reduce total VOM emissions from all heatset web offset lithographic printing lines~~line(s)~~ to 90.7 Mg (100 tons) per calendar year or less in the absence of air pollution control equipment.

b) Any owner or operator of any heatset web offset lithographic printing line that is exempt from the limitations in Section 218.406 of this Subpart because of the criteria in subsection (a) of this Section shall be subject to the recordkeeping and reporting requirements in Section 218.406(b)(1) of this Subpart.

c) On and after March 15, 1996, every owner or operator of lithographic printing lines~~line(s)~~ is subject to the recordkeeping and reporting requirements in Section

218.411 of this Subpart.

d) On and after March 15, 1996, Sections 218.407 through 218.410~~218.411~~ of this Subpart shall apply to:

1) All owners or operators of heatset web offset lithographic printing lines~~line(s)~~ unless:

A) Total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset lithographic printing lines) at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. To determine a source's total maximum theoretical emissions of VOM for the purposes of this subsection, the owner or operator shall use the calculations set forth in Section 218.406(b)(1)(A)(ii) of this Subpart; or

B) Federally enforceable permit conditions or SIP revision for all heatset web offset lithographic printing lines~~line(s)~~ at the source requires the owner or operator to limit production or capacity of these printing lines~~line(s)~~ to total VOM emissions of 90.7 Mg/yr (100 TPY) or less, before the application of capture systems and control devices;

2) All owners or operators of heatset web offset, non-heatset web offset, or sheet-fed offset lithographic printing lines~~line(s)~~, unless the combined emissions of VOM from all lithographic printing lines~~line(s)~~ at the source (including solvents used for cleanup operations associated with the lithographic printing lines~~line(s)~~) never exceed 45.5 kg/day (100 lbs/day), as determined in accordance with Section 218.411(a)(1)(B), before the application of capture systems and control devices.

e) If a lithographic printing line at a source is or becomes subject to one or more of the limitations in Section~~Sections~~ 218.406 or 218.407 of this Subpart, the lithographic printing lines~~line(s)~~ at the source are always subject to the applicable provisions of this Subpart.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

a) Emission Standards and Limitations. No owner or operator of a heatset web offset printing line at a source that meets or exceeds the applicability levels in Section 218.405(a) of this Subpart may cause or allow the operation of such heatset web offset printing lines~~line(s)~~ unless the owner or operator meets the requirements in subsection~~subsections~~ (a)(1) or (a)(2) of this Section and the requirements in subsections (a)(3) and (a)(4) of this Section. The owner or operator shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in Section 218.105(a), (d), and (f) of this Part and by complying with the recordkeeping and reporting requirements specified in subsection (b) of this Section.

1) An afterburner system is installed and operated that reduces 90 percent of the VOM emissions (excluding methane and ethane) from the dryer exhaust; or

2) The fountain solution contains no more than 8 percent, by weight, of VOM and a condensation recovery system is installed and operated that removes at least 75 percent of the non-isopropyl alcohol organic materials from the dryer exhaust; and

3) The control device is equipped with the applicable monitoring equipment specified in Section 218.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to manufacturer's specifications at all times when the control device is in use; and

4) The control device is operated at all times when the printing line is in operation.

b) Recordkeeping and Reporting. The VOM content of each fountain solution and ink and the efficiency of each 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 subsection.

1) Any owner or operator of a lithographic printing line which is exempted from the limitations of subsection (a) of this Section because of the criteria in Section 218.405(a) of this Subpart shall comply with the following:

A) By a date consistent with Section 218.106 of this Part, the owner or operator of a heatset web offset lithographic printing line to which subsection (b)(1) of this Section is applicable shall certify to the Agency that the heatset web offset lithographic printing line is exempt under the provisions of Section 218.405(a) of this Subpart. Such certification shall include:

i) A declaration that the heatset web offset lithographic printing line is exempt from the limitations of subsection (a) of this Section because of the criteria in Section 218.405(a) of this Subpart; and

ii) Calculations that~~which~~ demonstrate that total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of air pollution control equipment. 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:

$$E_p = (R \times A \times B) + [(C \times D) + 1095 (F \times G \times H)] \cancel{/100}$$

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~~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 ℓ~~l~~/yr (gal/yr). The instrument or method by which the owner or operator accurately measured or 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)~~The weight percent VOM of the fountain solution with the highest VOM content~~;

D = The total volume of fountain solution that can potentially be used each year on the printing line in units of ℓ~~l~~/yr (gal/yr). The instrument and/or method by which the owner or operator accurately measured or 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~~Kg~~/ℓ~~l~~ (lb/gal) of such material;

G = The greatest volume of cleanup material or solvent used in any 8-hour period; ~~and~~

H = The highest fraction of cleanup material or solvent which 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 foil, plastic, or other

impervious substrates, R = 1.0.

B) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a heatset web offset lithographic printing line to which subsection (b)(1) of this Section is applicable 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:

i) The name and identification of each fountain solution and ink as applied on each printing line; and

ii) The VOM content and the volume of each fountain solution and ink as applied each year on each printing line.

C) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a source exempted from the limitations of subsection (a) of this Section because of the criteria in Section 218.405(a) of this Subpart shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines exceed 90.7 Mg (100 tons) in any calendar year in the absence of air pollution control equipment by sending a copy of such record to the Agency within 30 days after the exceedence occurs.

2) Any owner or operator of a printing line subject to the limitations of subsection (a) of this Section and complying by means of subsection (a)(1) of this Section shall comply with the following:

A) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from subsection (a)(2) to (a)(1) of this Section, 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 subsection (a)(1) of this Section on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date;

B) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, collect and record the

following information each day for each printing line and maintain the information at the source for a period of three years:

i) Control device monitoring data;

ii) A log of operating time for the control device, monitoring equipment and the associated printing line; and

iii) A maintenance log for the control device and monitoring equipment detailing all routine and nonroutine maintenance performed including dates and duration of any outages;

C) On and after a date consistent with Section 218.106 of this Part, notify the Agency in the following instances:

i) Any violation of subsection (a)(1) of this Section shall be reported to the Agency, in writing, within 30 days following the occurrence of the violation;

ii) Any record showing a violation of subsection (a)(1) of this Section shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation; and

iii) At least 30 calendar days before changing the method of compliance with subsection (a) of this Section from subsection (a)(1) to (a)(2) of this Section, the owner or operator shall comply with all requirements of subsection (b)(3)(A) of this Section. Upon changing the method of compliance with subsection (a) of this Section from subsection (a)(1) to (a)(2) of this Section, the owner or operator shall comply with all requirements of subsection (b)(3) of this Section.

3) Any owner or operator of a printing line subject to the limitations of subsection (a) of this Section and complying by means of subsection (a)(2) of this Section shall:

A) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new printing line, or upon changing the method

of compliance for an existing printing line from subsection (a)(1) to (a)(2) of this Section, perform all tests and submit to the Agency and the USEPA the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with subsection (a)(2) of this Section on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date;

B) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, collect and record the following information each day for each printing line and maintain the information at the source for a period of three years:

i) The VOM content of the fountain solution used each day on each printing line;

ii) A log of operating time for the control device and the associated printing line; and

iii) A maintenance log for the control device detailing all routine and non-routine maintenance performed including dates and duration of any outages;

C) On and after a date consistent with Section 218.106 of this Part, notify the Agency in the following instances:

i) Any violation of subsection (a)(2) shall be reported to the Agency, in writing, within 30 days following the occurrence of the violation;

ii) Any record showing a violation of subsection (a)(2) of this Section shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation; and

iii) At least 30 calendar days before changing the method of compliance with subsection (a) of this Section from subsection (a)(2) to (a)(1) of this Section, the owner or operator shall comply with all requirements of subsection (b)(2)(A) of this Section. Upon changing the method of

compliance with subsection (a) of this Section from subsection (a)(2) to (a)(1) of this Section, the owner or operator shall comply with all requirements of subsection (b)(2) of this Section.

c) Compliance Schedule. Every owner or operator of a heatset web offset lithographic printing line shall comply with the applicable requirements of subsections (a) and (b) of this Section in accordance with the applicable compliance schedule specified in subsection~~subsections~~ (c)(1), (c)(2), or (c)(3) of this Section:

1) No owner or operator of a heatset web offset lithographic printing line which is exempt from the limitations of subsection (a) of this Section because of the criteria in Section 218.405(a) of this Subpart shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section~~Sections~~ 218.405(a) of this Supbart and subsection ~~218.406~~(b)(1) of this Section~~Subpart~~.

2) No owner or operator of a heatset web offset lithographic printing line complying by means of subsection (a)(1) of this Section shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, subsections (a)(1), (a)(3), (a)(4) and (b)(2) of this Section.

3) No owner or operator of a heatset web offset lithographic printing line complying by means of subsection (a)(2) of this Section shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, subsections (a)(2), (a)(3), (a)(4) and (b)(3) of this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996

a) On and after March 15, 1996, no owner or operator of lithographic printing line(s) subject to the requirements of this Subpart shall:

1) Cause or allow the operation of any heatset web offset lithographic

printing line unless:

A) The total VOM content in the as-applied fountain solution meets one of the following conditions:

i) 1.6 percent or less, by volume;

ii) 3 percent or less, by volume, and the temperature of the fountain solution is maintained below 15.6° C (60° F), measured at the reservoir or the fountain tray; or

iii) 5 percent or less, by volume, and the as-applied fountain solution contains no alcohol;

B) The air pressure in the dryer is maintained lower than the air pressure of the press room, such that air flow through all openings in the dryer, other than the exhaust, is into the dryer at all times when the printing line is operating;

C) An afterburner is installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhaustsexhaust(s) are reduced by 90 percent, by weight, or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon);

D) The afterburner is equipped with the applicable monitoring equipment specified in Section 218.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated, and maintained according to manufacturer's specifications at all times when the afterburner is in use; and

E) The afterburner is operated at all times when the printing line is in operation, except the afterburner may be shut down between November 1 and April 1 as provided in Section 218.107 of this Part;

2) Cause or allow the operation of any non-heatset web offset lithographic printing line unless the VOM content of the as-applied fountain solution is 5 percent or less, by volume, and the as-applied fountain solution contains no alcohol;

3) Cause or allow the operation of any sheet-fed offset lithographic printing line unless:

A) The VOM content of the as-applied fountain solution is 5 percent or less, by volume; or

B) The VOM content of the as-applied fountain solution is 8.5 percent or less, by volume, and the temperature of the fountain solution is maintained below 15.6° C (60° F), measured at the reservoir or the fountain tray;

4) Cause or allow the use of a cleaning solution on any lithographic printing line unless:

A) The VOM content of the as-used cleaning solution is less than or equal to 30 percent, by weight; or

B) The VOM composite partial vapor pressure of the as-used cleaning solution is less than 10 mmHg at 20° C (68° F);

5) Cause or allow VOM containing cleaning materials, including used cleaning towels, associated with any lithographic printing line to be kept, stored or disposed of in any manner other than in closed containers.

b) An owner or operator of a heatset web offset lithographic printing line subject to the requirements of subsection (a)(1)(C) of this Section may use a control device other than an afterburner, if:

1) The control device reduces VOM emissions from the press dryer exhausts~~exhaust(s)~~ by at least 90 percent, by weight, or to a maximum control device exhaust outlet concentration of 20 ppmv (as carbon);

2) 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

3) The use of the control device with testing, monitoring, and recordkeeping in accordance with this plan is approved by the Agency and USEPA as federally enforceable permit conditions.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 218.410 Monitoring Requirements for Lithographic Printing

a) Fountain Solution Temperature.

1) The owner or operator of any lithographic printing lines~~line(s)~~ relying on the temperature of the fountain solution to demonstrate compliance shall install, maintain, and continuously operate a temperature monitor of the fountain solution in the reservoir or fountain tray, as applicable.

2) The temperature monitor must be capable of reading with an accuracy of 1° C or 2° F~~0.3°C or 0.5°F~~, and must be attached to an automatic, continuous recording device such as a strip chart, recorder, or computer, with at least the same accuracy, that is installed, calibrated and maintained in accordance with the manufacturer's specifications. If the automatic, continuous recording device malfunctions, the owner or operator shall record the temperature of the fountain solution at least once every two operating hours. The automatic, continuous recording device shall be repaired or replaced as soon as practicable.

b) Fountain Solution VOM Content. The owner or operator of any lithographic printing lines~~line(s)~~ subject to Section 218.407(a)(1)(A), (a)(2) or (a)(3) of this Subpart shall:

1) For a fountain solution to which VOM is not added automatically:

A) Maintain records of the VOM content of the fountain solution in accordance with Section 218.411(c)(2)(C); or

B) Take a sample of the as-applied fountain solution from the fountain tray or reservoir, as applicable, each time a fresh batch of fountain solution is prepared or each time VOM is added to an existing batch of fountain solution in the fountain tray or reservoir, and shall determine compliance with the VOM content limitation of the as-applied fountain solution by using one of the following options:

i) With a refractometer or hydrometer with a visual, analog, or digital readout and with an accuracy of 0.5 percent. The

refractometer or hydrometer must be calibrated with a standard solution for the type of VOM used in the fountain solution, in accordance with manufacturer's specifications, against measurements performed to determine compliance. The refractometer or hydrometer must be corrected for temperature at least once per 8-hour shift or once per batch of fountain solution prepared or modified, whichever is longer; or

ii) With a conductivity meter if it is demonstrated that a refractometer and hydrometer cannot distinguish between compliant and noncompliant fountain solution for the type and amount of VOM in the fountain solution. A source may use a conductivity meter if it demonstrates that both hydrometers and refractometers fail to provide significantly different measurements for standard solutions containing 95 percent, 100 percent and 105 percent of the applicable VOM content limit. The conductivity meter reading for the fountain solution must be referenced to the conductivity of the incoming water. A standard solution shall be used to calibrate the conductivity meter for the type of VOM used in the fountain solution, in accordance with manufacturer's specifications;

2) For fountain solutions to which VOM is added at the source with automatic feed equipment, determine the VOM content of the as-applied fountain solution based on the setting of the automatic feed equipment which makes additions of VOM up to a pre-set level. Records must be retained of the VOM content of the fountain solution in accordance with Section 218.411(c)(2)(D) of this Subpart. The equipment used to make automatic additions must be installed, calibrated, operated and maintained in accordance with manufacturer's specifications.

c) Afterburners For Heatset Web Offset Lithographic Printing Lines~~Line(s).~~
If an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to Section 218.407(a)(1)(C) of this Subpart shall:

1) Install, calibrate, maintain, and operate temperature monitoring devices~~device(s)~~ with an accuracy of 3° C or 5° F on the afterburner 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 afterburner is operating; and

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

d) Other Control Devices for Heatset Web Offset Lithographic Printing Lines~~Line(s)~~.
If a control device other than an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to this Subpart shall install, maintain, calibrate and operate such monitoring equipment as set forth in the owner or operator's plan approved by the Agency and USEPA pursuant to Section 218.407(b) of this Subpart.

e) Cleaning Solution~~.~~

1) The owner or operator of any lithographic printing line relying on the VOM content of the cleaning solution to comply with Section 218.407(a)(4)(A) of this Subpart must:

A) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):

i) 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

ii) 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 218.407(a)(4)(A) of this Subpart;

B) 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

218.411(d)(2) of this Subpart.

2) The owner or operator of any lithographic printing line relying on the vapor pressure of the cleaning solution to comply with Section 218.407(a)(4)(B) of this Subpart must keep records for such cleaning solutions used on any such lines~~line(s)~~ as set forth in Section 218.411(d)(2)(C) of this Subpart.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 218.411 Recordkeeping and Reporting for Lithographic Printing

a) An owner or operator of lithographic printing lines~~line(s)~~ exempt from the limitations of Section 218.407 of this Subpart because of the criteria in Section 218.405(d) of this Subpart shall comply with the following:

1) By March 15, 1996, 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(d) of this Subpart;

B) Calculations which 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~~line(s)~~ 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~~line(s)~~; and

iv) To determine VOM emissions from fountain solutions and cleaning solvents used on lithographic printing lines~~line(s)~~ 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 TPY). To determine the source's total maximum theoretical emissions for the purposes of this subsection, the owner or operator shall use the calculations set forth in Section 218.406(b)(1)(A)(ii) of this Subpart; and

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) On and after March 15, 1996, collect and record either the information specified in subsection (a)(2)(A) or (a)(2)(B) of this Section for all lithographic printing lines at the source:

A) Standard recordkeeping, including the following:

i) The name and identification of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

ii) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

iii) 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;

iv) 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

v) The VOM emissions in lbs/day for the month, calculated in accordance with subsection ~~Section 218.411~~(a)(1)(B) of this Section~~Subpart~~;

B) Purchase and inventory recordkeeping, including the following:

i) 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;

ii) 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;

iii) Monthly purchase records for each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line at the source;

iv) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

v) 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 (a)(2)(B)(i), (a)(2)(B)(ii) and (a)(2)(B)(iii) of this Section; and

vi) The VOM emissions in lbs/day for the month, calculated in accordance with subsection ~~Section 218.411~~(a)(1)(B) of this Section~~Subpart~~;

3) On and after March 15, 1996, 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) An owner or operator of a heatset web offset lithographic printing lines~~line(s)~~ 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 March 15, 1996, 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;

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~~line(s)~~ is 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~~line(s)~~ is or is 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) On and after March 15, 1996, 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 insure compliance with the requirements of Section 218.407(a)(1)(B) of this Subpart at least once per 24-hour period while the line is operating;

4) On and after March 15, 1996, 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 (b)(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~~line(s)~~ 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.

c) 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 March 15, 1996, 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) The VOM content limitation with which each fountain solution will comply;

D) Initial documentation that each type of fountain solution will comply with the applicable VOM content limitation, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

E) Identification of the method 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 ~~Section 218.411~~(c)(2) of this Section;~~Subpart.~~

2) On and after March 15, 1996, 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~~line(s)~~ 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 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~~D~~) 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; and

4) If changing its method of demonstrating compliance with the applicable VOM content limitations in Section 218.407 of this Subpart, or changing the method of demonstrating compliance with the VOM content limitations for fountain solutions pursuant to Section 218.409 of this Subpart, certify compliance for such new methods~~method(s)~~ in accordance with subsection (c)(1) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines~~line(s)~~ will be in compliance with the applicable requirements of Section 218.407 of this Subpart.

d) 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 March 15, 1996, and~~or~~ upon initial start-up of a new lithographic printing line, certify to the Agency that all cleaning solutions, and the handling of 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) Identification of each VOM-containing cleaning solution used on each lithographic printing line;

B) The limitation with which each VOM-containing cleaning solution will comply, i.e., the VOM content or vapor pressure;

C) Initial documentation that each VOM-containing cleaning solution will comply with the applicable limitation, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

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

E) A sample of the records that will be kept pursuant to subsection ~~Section 218.411~~(d)(2) of this Section~~Subpart~~; and

F) A description of the practices that assure that VOM-containing cleaning materials are kept in closed containers;

2) On and after March 15, 1996, 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 which 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 which 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;

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;

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;

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) On and after March 15, 1996, 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; and

4) If changing its method of demonstrating compliance with the requirements of Section 218.407(a)(4) of this Subpart, or changing between automatic and manual methods of preparing cleaning solutions, certify compliance for such new method in accordance with subsection (d)(1) of this Section, within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines~~line(s)~~ will be in compliance with the applicable requirements of Section 218.407(a)(4) of this Subpart.

e) 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 29 Ill. Reg. _____, effective _____)

SUBPART Z: DRY CLEANERS

Section 218.601 Perchloroethylene Dry Cleaners (Repealed)

~~The owner or operator of a dry cleaning operation which uses perchloroethylene shall:~~

~~a) Vent the entire dryer exhaust through a properly designed and functioning carbon adsorption system or equally effective control device; and~~

~~b) Emit no more than 100 ppmv of VOM from the dryer control device before dilution, or achieve a 90 percent average reduction before dilution; and~~

~~c) Immediately repair all components found to be leaking liquid VOM; and~~

~~d) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg (55 lb) or less of VOM per 100 kg (220 lb) of wet waste material; and~~

~~e) Reduce the VOM from all solvent stills to 60 kg (132 lb) or less per 100 kg (220 lb) of wet waste material; and~~

~~f) Drain all filtration cartridges in the filter housing or other sealed container for at least 24 hours before discarding the cartridges; and~~

~~g) Dry all drained filtration cartridges in equipment connected to an emission reduction system or in a manner that will eliminate emission of VOM to the atmosphere.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

Section 218.602 Applicability (Repealed)

~~The provisions of Section 218.601 of this Part are not applicable to perchloroethylene dry cleaning operations which are coin-operated or to dry cleaning operations consuming less than~~

~~30 gal per month (360 gal per year) of perchloroethylene.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

Section 218.603 Leaks (Repealed)

~~The presence of leaks shall be determined for purposes of Section 218.601(c) of this Part by a visual inspection of the following: hose connections, unions, couplings and valves; machine door gaskets and seatings; filter head gasket and seating; pumps; base tanks and storage containers; water separators; filter sludge recovery; distillation unit; diverter valves; saturated lint from lint baskets; and cartridge filters.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

SUBPART HH: MOTOR VEHICLE REFINISHING

Section 218.790 General Recordkeeping and Reporting (Repealed)

~~On and after the compliance date specified in Section 218.791 of this Subpart, every owner or operator of a motor vehicle refinishing operation shall maintain the following records for the most recent consecutive 3 years. Such records shall be made available to the Agency immediately upon request:~~

~~a) The name and manufacturer of each coating and surface preparation product used at the source each month;~~

~~b) The volume of each category of coating, as set forth in Section 218.780 of this Subpart, purchased by the source each month;~~

~~c) The coating mixing instructions, as stated on the container, in literature supplied with the coating, or otherwise specified by the manufacturer, for each coating purchased by the source each month;~~

~~d) The VOM content, expressed as weight of VOM per volume of coating, minus water and any compounds that are specifically exempted from the definition of VOM, recorded on a monthly basis for:~~

~~1) Each coating as purchased, if the coating is not mixed with any additives prior to application on the substrate; or~~

~~2) Each coating after mixing according to manufacturer's instructions as collected pursuant to subsection (c) of this Section;~~

~~e) The weighted average VOM content of the coating, as specified in Section 218.780(d)(1), (d)(2) or (d)(3) of this Subpart, for each basecoat/clearcoat, and three or four stage coating system purchased by the source, recorded on a monthly basis;~~

~~f) The total monthly volume of all specialty coatings purchased and the percentage specialty coatings comprise in the aggregate of all coatings purchased by the source each month;~~

~~g) The volume of each category of surface preparation material, as set forth in Section 218.786 of this Subpart, purchased by the source each month; and~~

~~h) The VOM content, expressed as weight of VOM per volume of material, including water, of each surface preparation material purchased by the source, recorded on a monthly basis.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

Section 218.792 Registration

a) Every owner or operator of a motor vehicle refinishing operation shall register with the Agency on or before the date specified in Section 218.791 of this Subpart ~~and re-register no later than 45 days following the end of each subsequent calendar year~~. The following information shall be included in this registration:

1) The name and address of the source, and the name and telephone number of the person responsible for submitting the registration information;

2) A description of all coating operations of motor vehicles, mobile equipment, or their parts or components, and all associated surface preparation operations at the source;

3) A description of all coating applicators used at the source to comply with Section 218.784(a) of this Subpart, if applicable;

4) A description of all cleanup operations at the source, including equipment used to comply with Section 218.784(b) of this Subpart, if applicable;

5) A description of all work practices at the source used to comply with Section 218.787 of this Subpart;

6) If a source claims to be exempt from the equipment requirements in Section 218.784 of this Subpart because it uses less than 20 gallons of coating per year, the owner's or operator's certification that the annual usage is below this level;

7) A written declaration stating whether the source is complying with this Subpart by using coatings that comply with the applicable VOM content limits in Section 218.780 of this Subpart or by control equipment as specified in Section 218.782; and

8) A description of any control devices used to comply with Section 218.782 of this Subpart and the dates~~date(s)~~ the device was installed and became operational.

b) At least 30 calendar days before changing the method of compliance to or from Sections 218.780 and 218.782, the owner or operator of a motor vehicle refinishing operation shall notify the Agency and certify that the source is in compliance with the applicable requirements for the new method of compliance.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 218.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)

~~Procedure G.1 Captured VOM Emissions~~

~~1. INTRODUCTION~~

~~1.1 Applicability. This procedure is applicable for determining the volatile organic materials (VOM) content of captured gas streams. It is intended to be used as a segment in the development of liquid/gas or gas/gas protocols for determining VOM capture efficiency (CE) for surface coating and printing operations. The procedure may not be acceptable in certain site-specific situations, e.g., when: (1) direct fired heaters or other circumstances affect the quantity of VOM at the control device inlet; and (2) particulate organic aerosols are formed in the process and are present in the captured emissions.~~

~~1.2 Principle. The amount of VOM captured (G) is calculated as the sum of the products of the VOM content (C_{Gj}, the flow rate (Q_{Gj}), and the sample time (T_C) from each captured emissions point.~~

~~1.3 Estimated Measurement Uncertainty. The measurement uncertainties are estimated for each captured or fugitive emissions point as follows: Q_{Gj} = 5.5 percent and C_{Gj} = ±5.0 percent. Based on these numbers, the probable uncertainty for G is estimated at about ±7.4 percent.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Gas VOM Concentration. A schematic of the measurement system in shown in Figure 1. The main components are described below:~~

~~2.1.1 Sample Probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOM condensation.~~

~~2.1.2 Calibration Valve Assembly. Three-way valve assembly at the outlet of sample probe to~~

~~direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.~~

~~2.1.3 Sample Line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.~~

~~2.1.4 Sample Pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to cause a response in the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.~~

~~2.1.5 Sample Flow Rate Control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow rate control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.~~

~~2.1.6 Sample Gas Manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If captured or fugitive emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.~~

~~2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.1.7.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.2 Calibration Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.1.7.4 Response Time. Less than 30 seconds.~~

~~2.1.8 Integrator/Data Acquisition System. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or~~

~~integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.1.9 Calibration and Other Gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.1.9.2 Carrier Gas. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.1.9.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.1.10 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is present. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.~~

~~2.2 Captured Emissions Volumetric Flow Rate.~~

~~2.2.1 Method 2 or 2A Apparatus. For determining volumetric flow rate.~~

~~2.2.2 Method 3 Apparatus and Reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.~~

~~2.2.3 Method 4 Apparatus and Reagents. For determining moisture content, if necessary.~~

~~3. DETERMINATION OF VOLUMETRIC FLOW RATE OF CAPTURED EMISSIONS~~

~~3.1 Locate all points where emissions are captured from the affected emission unit. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling~~

~~flow.~~

~~3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.~~

~~4. DETERMINATION OF VOM CONTENT OF CAPTURED EMISSIONS~~

~~4.1 Analysis Duration. Measure the VOM responses at each captured emissions point during the entire test run or, if applicable, while the process is operating. If there are multiple captured emission locations, design a sampling system to allow a single FIA to be used to determine the VOM responses at all sampling locations.~~

~~4.2 Gas VOM Concentration.~~

~~4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA according to the procedure in Section 5.1.~~

~~4.2.2 Conduct a system check according to the procedure in Section 5.3.~~

~~4.2.3 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.~~

~~4.2.4 Inject zero gas at the calibration valve assembly. Allow the measurement system response to reach zero. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.~~

~~4.2.5 Conduct a system check before and a system drift check after each sampling run according to the procedures in Sections 5.2 and 5.3. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform system drift checks during the run not to exceed one drift check per hour.~~

~~4.2.6 Verify that the sample lines, filter, and pump temperatures are 120 ±5° C.~~

~~4.2.7 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple captured emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of~~

~~testing. Disregard the measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.~~

~~4.3 Background Concentration.~~

~~4.3.1 Locate all NDO's of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO's, choose 6 sampling points evenly spaced among the NDO's.~~

~~4.3.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.3. NOTE: This sample train shall be a separate sampling train from the one to measure the captured emissions.~~

~~4.3.3 Position the probe at the sampling location.~~

~~4.3.4 Determine the response time, conduct the system check and sample according to the procedures described in Sections 4.2.4 to 4.2.7.~~

~~4.4 Alternative Procedure. The direct interface sampling and analysis procedure described in Section 7.2 of Method 18 may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. Select the calibration gas that most closely approximates the concentration of the captured emissions for conducting the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and~~

~~pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in Section 5.1 is less than 3 percent of the span value. Conduct the system drift checks at the end of each run.~~

~~5.3 System Check. Inject the high range calibration gas at the inlet of the sampling probe and record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in Section 5.1 for the high range calibration gas. Conduct a system check before and after each test run.~~

~~5.4 Analysis Audit. Immediately before each test analyze an audit cylinder as described in Section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.~~

~~6. NOMENCLATURE~~

~~A_i = area of NDO i, ft^2;~~
~~A_N = total area of all NDO's in the enclosure, ft^2;~~
~~C_{Bi} = average VOM concentration of background emissions at point i, ppm propane;~~
~~C_B = average background concentration, ppm propane;~~
~~C_{Gj} = average VOM concentration of captured emissions at point j, ppm propane;~~
~~C_{DH} = average measured concentration for the drift check calibration gas, ppm propane;~~
~~C_{DO} = average system drift check concentration for zero concentration gas, ppm propane;~~
~~C_H = actual concentration of the drift check calibration gas, ppm propane;~~
~~C_i = uncorrected average background VOM concentration measured at point i, ppm propane;~~
~~C_j = uncorrected average VOM concentration measured at point j, ppm propane;~~
~~G = total VOM content of captured emissions, kg;~~
~~K_1 = 1.830×10^{-6} kg/(m^3-ppm);~~
~~n = number of measurement points;~~
~~Q_{Gj} = average effluent volumetric flow rate corrected to standard conditions at captured emissions point j, m^3/min;~~
~~T_C = total duration of captured emissions sampling run, min.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Captured Emissions.~~

$$G = \sum_{j=1}^{n} (C_{Gj} - C_B)\, Q_{Gj}\, T_C\, K_1 \qquad \text{Eq. 1}$$

7.2 VOM Concentration of the Captured Emissions at Point j.

$$C_{Gj} = (C_j - C_{DO}) \frac{C_H}{C_{DH} - C_{DO}} \qquad \text{Eq. 2}$$

7.3 Background VOM Concentration at Point i.

$$C_{Bi} = (C_i - C_{DO}) \frac{C_H}{C_{DH} - C_{DO}} \qquad \text{Eq. 3}$$

7.4 Average Background Concentration.

$$C_B = \frac{\sum_{i=1}^{n} C_{Bj} A_i}{nA_N} \qquad \text{Eq. 4}$$

NOTE: If the concentration at each point is within 20 percent of the average concentration of all points, the terms "A_i" and "A_N" may be deleted from Equation 4.

Procedure G.2 Captured VOM Emissions (Dilution Technique)

1. INTRODUCTION

1.1 Applicability. This procedure is applicable for determining the volatile organic materials (VOM) content of captured gas streams. It is intended to be used as a segment in the development of a gas/gas protocol in which fugitive emissions are measured for determining VOM capture efficiency (CE) for surface coating and printing operations. A dilution system is used to reduce the VOM concentration of the captured emission to about the same concentration as the fugitive emissions. The procedure may not be acceptable in certain site-specific situations, e.g., when: (1) direct fired heaters or other circumstances affect the quantity of VOM at the control device inlet; and (2) particulate organic aerosols are formed in the process and are present in the captured emissions.

~~1.2 Principle. The amount of VOM captured (G) is calculated as the sum of the products of the VOM content (C_{Gj}, the flow rate (Q_{Gj}, and the sampling time (T_e) from each captured emissions point.~~

~~1.3 Estimated Measurement Uncertainty. The measurement uncertainties are estimated for each captured or fugitive emissions point as follows: Q_{Gj} = ±5.5 percent and C_{Gj} = ±5 percent. Based on these numbers, the probable uncertainty for G is estimated at about ±7.4 percent.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Gas VOM Concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:~~

~~2.1.1 Dilution System. A Kipp in-stack dilution probe and controller or similar device may be used. The dilution rate may be changed by substituting different critical orifices or adjustments of the aspirator supply pressure. The dilution system shall be heated to prevent VOM condensation. Note: An out-of-stack dilution device may be used.~~

~~2.1.2 Calibration Valve Assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.~~

~~2.1.3 Sample Line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.~~

~~2.1.4 Sample Pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.~~

~~2.1.5 Sample Flow Rate Control. A sample flow rate control valve and rotameter, or~~

~~equivalent, to maintain a constant sampling rate within 10 percent. The flow control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.~~

~~2.1.6 Sample Gas Manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If captured or fugitive emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.~~

~~2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.1.7.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.2 Calibration Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.1.7.4 Response Time. Less than 30 seconds.~~

~~2.1.8 Integrator/Data Acquisition System. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.1.9 Calibration and Other Gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is~~

~~recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.1.9.2 Carrier Gas and Dilution Air Supply. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.1.9.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.1.9.4 Dilution Check Gas. Gas mixture standard containing propane in air, approximately half the span value after dilution.~~

~~2.1.10 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.~~

~~2.2 Captured Emissions Volumetric Flow Rate.~~

~~2.2.1 Method 2 or 2A Apparatus. For determining volumetric flow rate.~~

~~2.2.2 Method 3 Apparatus and Reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.~~

~~2.2.3 Method 4 Apparatus and Reagents. For determining moisture content, if necessary.~~

~~3. DETERMINATION OF VOLUMETRIC FLOW RATE OF CAPTURED EMISSIONS~~

~~3.1 Locate all points where emissions are captured from the affected facility. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling flow.~~

~~3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.~~

~~4. DETERMINATION OF VOC CONTENT OF CAPTURED EMISSIONS~~

~~4.1 Analysis Duration. Measure the VOM responses at each captured emissions point during the entire test run or, if applicable, while the process is operating. If there are multiple captured~~

~~emissions locations, design a sampling system to allow a single FIA to be used to determine the VOM responses at all sampling locations.~~

~~4.2 Gas VOM Concentration.~~

~~4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA according to the procedure in Section 5.1.~~

~~4.2.2 Set the dilution ratio and determine the dilution factor according to the procedure in Section 5.3.~~

~~4.2.3 Conduct a system check according to the procedure in Section 5.4.~~

~~4.2.4 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.~~

~~4.2.5 Inject zero gas at the calibration valve assembly. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.~~

~~4.2.6 Conduct a system check before and a system drift check after each sampling run according to the procedures in Sections 5.2 and 5.4. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform system drift checks during the run not to exceed one drift check per hour.~~

~~4.2.7 Verify that the sample lines, filter, and pump temperatures are 120 ±5° C.~~

~~4.2.8 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple captured emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.~~

~~4.3 Background Concentration.~~

~~4.3.1 Locate all NDO's of the TTE. A sampling point shall be centrally located outside of the~~

~~TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO's, choose 6 sampling points evenly spaced among the NDO's.~~

~~4.3.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.4.~~

~~4.3.3 Position the probe at the sampling location.~~

~~4.3.4 Determine the response time, conduct the system check and sample according to the procedures described in Sections 4.2.4 to 4.2.8.~~

~~4.4 Alternative Procedure. The direct interface sampling and analysis procedure described in Section 7.2 of Method 18 may be used to determine the gas VOM concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system after the dilution system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the response for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. Select the calibration gas that most closely approximates the concentration of the diluted captured emissions for conducting the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in Section 5.1 is less than 3 percent of the span value. Conduct the system drift check at the end of each run.~~

~~5.3 Determination of Dilution Factor. Inject the dilution check gas into the measurement system before the dilution system and record the response. Calculate the dilution factor using Equation 3.~~

~~5.4 System Check. Inject the high range calibration gas at the inlet to the sampling probe while the dilution air is turned off. Record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in Section 5.1 for the high range calibration gas. Conduct a system check before and after each test run.~~

~~5.5 Analysis Audit. Immediately before each test analyze an audit cylinder as described in Section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.~~

~~6. NOMENCLATURE~~

~~A_i = area of NDO i, ft^2;~~
~~A_N = total area of all NDO's in the enclosure, ft^2;~~
~~C_A = actual concentration of the dilution check gas, ppm propane;~~
~~C_{Bi} = corrected average VOM concentration of background emissions at point i, ppm propane;~~
~~C_B = average background concentration, ppm propane;~~
~~C_{DH} = average measured concentration for the drift check calibration gas, ppm propane;~~
~~C_{D0} = average system drift check concentration for zero concentration gas, ppm propane;~~
~~C_H = actual concentration of the drift check calibration gas, ppm propane;~~
~~C_i = uncorrected average background VOM concentration measured at point i, ppm propane;~~
~~C_j = uncorrected average VOM concentration measured at point j, ppm propane;~~
~~C_M = measured concentration of the dilution check gas, ppm propane;~~
~~DF = dilution factor;~~
~~G = total VOCM content of captured emissions, kg;~~
~~K_1 = 1.830×10^{-6} kg/(m^3 ppm);~~
~~n = number of measurement points;~~
~~Q_{Gj} = average effluent volumetric flow rate corrected to standard conditions at captured emissions point j, m^3/min;~~
~~T_C = total duration of captured emissions sampling run, min.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Captured Emissions.~~

$$G = \sum_{j=1}^{n} C_{Gj} Q_{Gj} T_C K_1 \qquad \text{Eq. 1}$$

7.2 VOM Concentration of the Captured Emissions at Point j.

$$C_{Gj} = DF\,(C_j - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 2}$$

7.3 Dilution Factor.

$$D_F = \frac{C_A}{C_M} \qquad \text{Eq. 3}$$

7.4 Background VOM Concentration at Point i.

$$C_{Bi} = (C_i - C_{DO}) \frac{C_H}{C_{DH} - C_{DO}} \qquad \text{Eq. 4}$$

7.5 Average Background Concentration.

$$C_B = \frac{\sum_{i=1}^{n} C_{BJ} A_i}{nA_N} \qquad \text{Eq. 5}$$

NOTE: If the concentration at each point is within 20 percent of the average concentration of all points, the terms "A_i" and "A_N" may be deleted from Equation 4.

Procedure F.2 Fugitive VOM Emissions from Building Enclosures

1. INTRODUCTION

1.1 Applicability. This procedure is applicable for determining the fugitive volatile organic materials (VOM) emissions from a building enclosure (BE). It is intended to be used as a segment in the development of liquid/gas or gas/gas protocols for determining VOC capture

~~efficiency (CE) for surface coating and printing operations.~~

~~1.2 Principle. The total amount of fugitive VOM emissions (F_B) from the BE is calculated as the sum of the products of the VOM content (C_{Fj}) of each fugitive emissions point, its flow rate (Q_{Fj}), and time (T_F).~~

~~1.3 Measurement Uncertainty. The measurement uncertainties are estimated for each fugitive emissions point as follows: Q_{Fj} = ±5.0 percent and C_{Fj} = ±5.0 percent. Based on these numbers, the probable uncertainty for F_B is estimated at about ±11.2 percent.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Gas VOM Concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:~~

~~2.1.1 Sample Probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOM condensation.~~

~~2.1.2 Calibration Valve Assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.~~

~~2.1.3 Sample Line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.~~

~~2.1.4 Sample Pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.~~

~~2.1.5 Sample Flow Rate Control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow rate control valve~~

~~and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.~~

~~2.1.6 Sample Gas Manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold must be heated to prevent condensation.~~

~~2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.1.7.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.2 Calibration Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.1.7.4 Response Time. Less than 30 seconds.~~

~~2.1.8 Integrator/Data Acquisition System. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.1.9 Calibration and Other Gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.1.9.2 Carrier Gas. High purity air with less than 1 ppm of organic material (propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.1.9.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.1.10 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.~~

~~2.2 Fugitive Emissions Volumetric Flow Rate.~~

~~2.2.1 Flow Direction Indicators. Any means of indicating inward or outward flow, such as light plastic film or paper streamers, smoke tubes, filaments, and sensory perception.~~

~~2.2.2 Method 2 or 2A Apparatus. For determining volumetric flow rate. Anemometers or similar devices calibrated according to the manufacturer's instructions may be used when low velocities are present. Vane anemometers (Young-maximum response propeller), specialized pilots with electronic manometers (e.g., Shortridge Instruments Inc., Airdata Multimeter 860) are commercially available with measurement thresholds of 15 and 8 mpm (50 and 25 fpm), respectively.~~

~~2.2.3 Method 3 Apparatus and Reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.~~

~~2.2.4 Method 4 Apparatus and Reagents. For determining moisture content, if necessary.~~

~~3. DETERMINATION OF VOLUMETRIC FLOW RATE OF FUGITIVE EMISSIONS~~

~~3.1 Preliminary Determinations. The purpose of this exercise is to determine which exhaust points should be measured for volumetric flow rates and VOM concentrations.~~

~~3.1.1 Forced Draft Openings. Identify all forced draft openings. Determine the volumetric flow rate according to Method 2.~~

~~3.1.2 NDO's Exhaust Points. The NDO's in the roof of a facility the building or room in which the emission unit is located are considered to be exhaust points. Determine volumetric flow rate~~

~~from these NDO's. Divide the cross-sectional area according to Method 1 using 12 equal areas. Use the appropriate velocity measurement devices, e.g., propeller anemometers.~~

~~3.1.3 Other NDO's.~~

~~3.1.3.1 This step is optional. Determine the exhaust flow rate, including that of the control device, from the enclosure and the intake air flow rate. If the exhaust flow rate divided by the intake air flow rate is greater than 1.1, then all other NDO's are not considered to be significant exhaust points.~~

~~3.1.3.2 If the option above is not taken, identify all other NDO's and other potential points through which fugitive emissions may escape the enclosure. Then use the following criteria to determine whether flow rates and VOM concentrations need to be measured:~~

~~3.1.3.2.1 Using the appropriate flow direction indicator, determine the flow direction. An NDO with zero or inward flow is not an exhaust point.~~

~~3.1.3.2.2 Measure the outward volumetric flow rate from the remainder of the NDO's. If the collective flow rate is 2 percent, or less, of the flow rate from Sections 3.1.1 and 3.1.2, then those NDO's, except those within two equivalent diameters (based on NDO opening) from a VOM emitting point, may be considered to be non-exhaust points.~~

~~3.1.3.2.3 If the percentage calculated in Section 3.1.3.2.2 is greater than 2 percent, those NDO's (except those within two equivalent diameters from VOM emitting point) whose volumetric flow rate total 2 percent of the flow rate from Sections 3.1.1 and 3.1.2 may be considered as non-exhaust points. All remaining NDO's shall be measured for volumetric flow rate and VOM concentrations during the CE test.~~

~~3.1.3.2.4 The tester may choose to measure VOM concentrations at the forced exhaust points and the NDO's. If the total VOM emissions from the NDO's are less than 2 percent of the emissions from the forced draft and roof NDO's, then these NDO's may be eliminated from further consideration.~~

~~3.2 Determination of Flow Rates.~~

~~3.2.1 Measure the volumetric flow rate at all locations identified as exhaust points in Section~~

~~3.1. Divide each exhaust opening into 9 equal areas for rectangular openings and 8 for circular openings.~~

~~3.2.2 Measure the velocity at each site at least once every hour during each sampling run using Method 2 or 2A, if applicable, or using the low velocity instruments in Section 2.2.2.~~

~~4. DETERMINATION OF VOM CONTENT OF FUGITIVE EMISSIONS~~

~~4.1 Analysis Duration. Measure the VOM responses at each fugitive emission point during the entire test run or, if applicable, while the process is operating. If there are multiple emissions locations, design sampling system to allow a single FIA to be used to determine the VOM responses at all sampling locations.~~

~~4.2 Gas VOM Concentration.~~

~~4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.3, respectively.~~

~~4.2.2 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.~~

~~4.2.3 Inject zero gas at the calibration valve assembly. Allow the measurement system response to reach zero. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.~~

~~4.2.4 Conduct a system check before and a system drift check after each sampling run according to the procedures in Sections 5.2 and 5.3. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform drift checks during the run not to exceed one drift check per hour.~~

~~4.2.5 Verify that the sample lines, filter, and pump temperatures are 120 ±5° C.~~

~~4.2.6 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple emissions locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the response measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.~~

~~4.3 Alternative Procedure. The direct interface sampling and analysis procedure described in Section 7.2 of Method 18 may be used to determine the gas VOM concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range gases calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. Select the calibration gas that most closely approximates the concentration of the captured emissions for conducting the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in Section 5.1 is less than 3 percent of the span value. Conduct a system drift check at the end of each run.~~

~~5.3 System Check. Inject the high range calibration gas at the inlet of the sampling probe and record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in Section 5.1 for the high range calibration gas. Conduct a system check before each test run.~~

~~5.4 Analysis Audit. Immediately before each test analyze an audit cylinder as described in Section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.~~

~~6. NOMENCLATURE~~

~~C_{DH} = average measured concentration for the drift check calibration gas, ppm propane;~~

~~C_{D0} = average system drift check concentration for zero concentration gas, ppm~~

~~propane;~~

~~C_{Fj} = corrected average VOM concentration of fugitive emissions at point j, ppm propane;~~

~~C_H = actual concentration of the drift check calibration gas, ppm propane;~~

~~C_j = uncorrected average VOM concentration measured at point j, ppm propane;~~

~~F_B = total VOM content of fugitive emissions from the building, kg;~~

~~K_1 = 1.830×10^{-6} kg/(m^3 ppm);~~

~~n = number of measurement points;~~

~~Q_{Fj} = average effluent volumetric flow rate corrected to standard conditions at fugitive emissions point j, m^3/min;~~

~~T_F = total duration of capture efficiency sampling run, min.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Fugitive Emissions From the Building.~~

$$F_B = \sum_{j=1}^{n} C_{Fj} Q_{Fj} T_F K_1 \qquad \text{Eq. 1}$$

~~7.2 VOM Concentration of the Fugitive Emissions at Point j.~~

$$C_{Fj} = (C_j - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 2}$$

~~Procedure F.1 Fugitive VOM Emissions from Temporary Enclosures~~

~~1. INTRODUCTION~~

~~1.1 Applicability. This procedure is applicable for determining the fugitive volatile organic materials (VOM) emissions from a temporary total enclosure (TTE). It is intended to be used as a segment in the development of liquid/gas or gas/gas protocols for determining VOM capture efficiency (CE) for surface coating and printing operations.~~

~~1.2 Principle. The amount of fugitive VOM emissions (F) from the TTE is calculated as the sum of the products of the VOM content (C_{Fj}), the flow rate (Q_{Fj}), and the sampling time (T_F) from each fugitive emissions point.~~

~~1.3 Estimated Measurement Uncertainty. The measurement uncertainties are estimated for~~

~~each fugitive emission point as follows: Q_{Fj} = ±5.5 percent and C_{Fj} = ±5.0 percent. Based on these numbers, the probable uncertainty for F is estimated at about ±7.4 percent.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Gas VOM Concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:~~

~~2.1.1 Sample Probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOM condensation.~~

~~2.1.2 Calibration Valve Assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.~~

~~2.1.3 Sample Line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.~~

~~2.1.4 Sample Pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.~~

~~2.1.5 Sample Flow Rate Control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.~~

~~2.1.6 Sample Gas Manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes,~~

~~lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.~~

~~2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.1.7.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.2 Calibration Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.1.7.4 Response Time. Less than 30 seconds.~~

~~2.1.8 Integrator/Data Acquisition System. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.1.9 Calibration and Other Gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.1.9.2 Carrier Gas. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.1.9.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air,~~

~~respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.1.10 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.~~

~~2.2 Fugitive Emissions Volumetric Flow Rate.~~

~~2.2.1 Method 2 or 2A Apparatus. For determining volumetric flow rate.~~

~~2.2.2 Method 3 Apparatus and Reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.~~

~~2.2.3 Method 4 Apparatus and Reagents. For determining moisture content, if necessary.~~

~~2.3 Temporary Total Enclosure. The criteria for designing a TTE are discussed in Procedure T.~~

~~3. DETERMINATION OF VOLUMETRIC FLOW RATE OF FUGITIVE EMISSIONS~~

~~3.1 Locate all points where emissions are exhausted from the TTE. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling flow.~~

~~3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.~~

~~4. DETERMINATION OF VOM CONTENT OF FUGITIVE EMISSIONS~~

~~4.1 Analysis Duration. Measure the VOM responses at each fugitive emission point during the entire test run or, if applicable, while the process is operating. If there are multiple emission locations, design a sampling system to allow a single FIA to be used to determine the VOM responses at all sampling locations.~~

~~4.2 Gas VOM Concentration.~~

~~4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.3, respectively.~~

~~4.2.2 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct,~~

~~and is sealed tightly at the stack port connection.~~

~~4.2.3 Inject zero gas at the calibration valve assembly. Allow the measurement system response to reach zero. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.~~

~~4.2.4 Conduct a system check before and a system drift check after each sampling run according to the procedures in Sections 5.2 and 5.3. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform system drift checks during the run not to exceed one drift check per hour.~~

~~4.2.5 Verify that the sample lines, filter, and pump temperatures are 120 ±5° C.~~

~~4.2.6 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the response measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.~~

~~4.3 Background Concentration.~~

~~4.3.1 Determination of VOM Background Concentration.~~

~~4.3.1.1 Locate all NDO's of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO's, choose 6 sampling points evenly spaced among the NDO's.~~

~~4.3.1.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.3.~~

~~4.3.1.3 Position the probe at the sampling location.~~

~~4.3.1.4 Determine the response time, conduct the system check and sample according to the procedures described in Sections 4.2.3 to 4.2.6.~~

~~4.4 Alternative Procedure. The direct interface sampling and analysis procedure described in Section 7.2 of Method 18 may be used to determine the gas VOM concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. Select the calibration gas concentration that most closely approximates that of the fugitive gas emissions to conduct the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in Section 5.1 is less than 3 percent of the span value. Conduct a system drift check at the end of each run.~~

~~5.3 System Check. Inject the high range calibration gas at the inlet of the sampling probe and record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in Section 5.1 for the high range calibration gas. Conduct a system check before each test run.~~

~~5.4 Analysis Audit. Immediately before each test analyze an audit cylinder as described in Section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.~~

~~6. NOMENCLATURE~~

~~A_i = area of NDO i, ft^2;~~
~~A_N = total area of all NDO's in the enclosure, ft^2;~~
~~C_{Bi} = corrected average VOM concentration of background emissions at point i,~~

~~ppm propane;~~

~~C_B = average background concentration, ppm propane;~~

~~C_{DH} = average measured concentration for the drift check calibration gas, ppm propane;~~

~~C_{D0} = average system drift check concentration for zero concentration gas, ppm propane;~~

~~C_{Fj} = corrected average VOM concentration of fugitive emissions at point j, ppm propane;~~

~~C_H = actual concentration of the drift check calibration gas, ppm propane;~~

~~C_i = uncorrected average background VOM concentration measured at point i, ppm propane;~~

~~C_j = uncorrected average VOM concentration measured at point j, ppm propane;~~

~~G = total VOM content of captured emissions, kg;~~

~~K_1 = 1.830×10^{-6} kg/(m^3-ppm);~~

~~n = number of measurement points;~~

~~Q_{Fj} = average effluent volumetric flow rate corrected to standard conditions at fugitive emissions point j, m^3/min;~~

~~T_F = total duration of fugitive emissions sampling run, min.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Fugitive Emissions.~~

$$\cancel{F = \sum_{j=1}^{n} (C_{Fj} - C_B)\, Q_{Fj}\, T_F\, K_1} \qquad \cancel{\text{Eq. 1}}$$

~~7.2 VOM Concentration of the Fugitive Emissions at Point j.~~

$$\cancel{C_{Fj} = (C_i - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}}} \qquad \cancel{\text{Eq. 2}}$$

~~7.3 Background VOM Concentration at Point i.~~

$$\cancel{C_{Bi} = (C_i - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}}} \qquad \cancel{\text{Eq. 3}}$$

~~7.4 Average Background Concentration.~~

$$\cancel{C_B = \frac{\sum_{i=1}^{n} C_{Bi} A_i}{nA_N}} \qquad \cancel{\text{Eq. 4}}$$

~~NOTE: If the concentration at each point is within 20 percent of the average concentration of all points, the terms "A_i" and "A_N" may be deleted from Equation 4.~~

~~Procedure L – VOM Input~~

~~1. INTRODUCTION~~

~~1.1 Applicability. This procedure is applicable for determining the input of volatile organic materials (VOM). It is intended to be used as a segment in the development of liquid/gas protocols for determining VOM capture efficiency (CE) for surface coating and printing operations.~~

~~1.2 Principle. The amount of VOM introduced to the process (L) is the sum of the products of the weight (W) of each VOM containing liquid (ink, paint, solvent, etc.) used and its VOM content (V). A sample of each VOM containing liquid is analyzed with a flame ionization analyzer (FIA) to determine V.~~

~~1.3 Estimated Measurement Uncertainty. The measurement uncertainties are estimated for each VOM containing liquid as follows: W = ±2.0 percent and V = ±12.0 percent. Based on these numbers, the probable uncertainty for L is estimated at about ±12.2 percent for each VOM containing liquid.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Liquid Weight.~~

~~2.1.1 Balances/Digital Scales. To weigh drums of VOM containing liquids to within 0.2 lb.~~

~~2.1.2 Volume Measurement Apparatus (Alternative). Volume meters, flow meters, density measurement equipment, etc., as needed to achieve same accuracy as direct weight measurements.~~

~~2.2 VOM Content (Flame Ionization Analyzer Technique). The liquid sample analysis system is shown in Figures 1 and 2. The following equipment is required:~~

~~2.2.1 Sample Collection Can. An appropriately sized metal can to be used to collect VOM containing materials. The can must be constructed in such a way that it can be grounded to the coating container.~~

~~2.2.2 Needle Valves. To control gas flow.~~

~~2.2.3 Regulators. For carrier gas and calibration gas cylinders.~~

~~2.2.4 Tubing. Teflon or stainless steel tubing with diameters and lengths determined by connection requirements of equipment. The tubing between the sample oven outlet and the FIA shall be heated to maintain a temperature of 120 ±5°C.~~

~~2.2.5 Atmospheric Vent. A tee and 0- to 0.5-liter/min rotameter placed in the sampling line between the carrier gas cylinder and the VOM sample vessel to release the excess carrier gas. A toggle valve placed between the tee and the rotameter facilitates leak tests of the analysis system.~~

~~2.2.6 Thermometer. Capable of measuring the temperature of the hot water bath to within 1° C.~~

~~2.2.7 Sample Oven. Heated enclosure, containing calibration gas coil heaters, critical orifice, aspirator, and other liquid sample analysis components, capable of maintaining a temperature of 120 ±5°C.~~

~~2.2.8 Gas Coil Heaters. Sufficient lengths of stainless steel or Teflon tubing to allow zero and calibration gases to be heated to the sample oven temperature before entering the critical orifice or aspirator.~~

~~2.2.9 Water Bath. Capable of heating and maintaining a sample vessel temperature of 100 ±5°C.~~

~~2.2.10 Analytical Balance. To measure ±0.001 g.~~

~~2.2.11 Disposable Syringes. 2-cc or 5-cc.~~

~~2.2.12 Sample Vessel. Glass, 40-ml septum vial. A separate vessel is needed for each sample.~~

~~2.2.13 Rubber Stopper. Two-hole stopper to accommodate 3.2-mm (⅛ in.) Teflon tubing, appropriately sized to fit the opening of the sample vessel. The rubber stopper should be wrapped in Teflon tape to provide a tighter seal and to prevent any reaction of the sample with the rubber stopper. Alternatively, any leak-free closure fabricated of non-reactive materials and accommodating the necessary tubing fittings may be used.~~

~~2.2.14 Critical Orifices. Calibrated critical orifices capable of providing constant flow rates from 50 to 250 ml/min at known pressure drops. Sapphire orifice assemblies (available from O'Keefe Controls Company) and glass capillary tubing have been found to be adequate for this application.~~

~~2.2.15 Vacuum Gauge. 0- to 760-mm (0- to 30-in) Hg U-Tube manometer or vacuum gauge.~~

~~2.2.16 Pressure Gauge. Bourdon gauge capable of measuring the maximum air pressure at the aspirator inlet (e.g., 100 psig).~~

~~2.2.17 Aspirator. A device capable of generating sufficient vacuum at the sample vessel to create critical flow through the calibrated orifice when sufficient air pressure is present at the aspirator inlet. The aspirator must also provide sufficient sample pressure to operate the FIA. The sample is also mixed with the dilution gas within the aspirator.~~

~~2.2.18 Soap Bubble Meter. Of an appropriate size to calibrate the critical orifices in the system.~~

~~2.2.19 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.2.19.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.2.19.2 Calibration Drift. Less than ±3.0 percent of span value.~~

~~2.2.19.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.2.20 Integrator/Data Acquisition System. An analog or digital device or computerized data~~

~~acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.2.21 Chart Recorder (Optional). A chart recorder or similar device is recommended to provide a continuous analog display of the measurement results during the liquid sample analysis.~~

~~2.2.22 Calibration and Other Gases. For calibration, fuel, and combustion air (if required) contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.2.22.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.2.22.2 Carrier Gas. High purity air with less than 1 ppm of organic material (as propane) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.2.22.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentration of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.2.22.4 System Calibration Gas. Gas mixture standard containing propane in air, approximating the undiluted VOM concentration expected for the liquid samples.~~

~~3. DETERMINATION OF LIQUID INPUT WEIGHT~~

~~3.1 Weight Difference. Determine the amount of material introduced to the process as the weight difference of the feed material before and after each sampling run. In determining the total VOM containing liquid usage, account for: (a) the initial (beginning) VOM containing liquid mixture; (b) any solvent added during the test run; (c) any coating added during the test run; and (d) any residual VOM containing liquid mixture remaining at the end of the sample run.~~

~~3.1.1 Identify all points where VOM containing liquids are introduced to the process. To~~

~~obtain an accurate measurement of VOM containing liquids, start with an empty fountain (if applicable). After completing the run, drain the liquid in the fountain back into the liquid drum (if possible), and weigh the drum again. Weigh the VOM containing liquid to ±0.5 percent of the total weight (full) or ±0.1 percent of the total weight of VOM containing liquid used during the sample run, whichever is less. If the residual liquid cannot be returned to the drum, drain the fountain into a preweighed empty drum to determine the final weight of the liquid.~~

~~3.1.2 If it is not possible to measure a single representative mixture, then weigh the various components separately (e.g., if solvent is added during the sampling run, weigh the solvent before it is added to the mixture). If a fresh drum of VOC containing liquid is needed during the run, then weigh both the empty drum and fresh drum.~~

~~3.2 Volume Measurement (Alternative). If direct weight measurements are not feasible, the tester may use volume meters and flow rate meters (and density measurements) to determine the weight of liquids used if it can be demonstrated that the technique produces results equivalent to the direct weight measurements. If a single representative mixture cannot be measured, measure the components separately.~~

~~4. DETERMINATION OF VOM CONTENT IN INPUT LIQUIDS~~

~~4.1 Collection of Liquid Samples.~~

~~4.1.1 Collect a 100-ml or larger sample of the VOM containing liquid mixture at each application location at the beginning and end of each test run. A separate sample should be taken of each containing liquid added to the application mixture during the test run. If a fresh drum is needed during the sampling run, then obtain a sample from the fresh drum.~~

~~4.1.2 When collecting the sample, ground the sample container to the coating drum. Fill the sampler container as close to the rim as possible to minimize the amount of headspace.~~

~~4.1.3 After the sample is collected, seal the container so the sample cannot leak out or evaporate.~~

~~4.1.4 Label the container to identify clearly the contents.~~

~~4.2 Liquid Sample VOM Content.~~

~~4.2.1 Assemble the liquid VOM content analysis system as shown in Figure 1.~~

~~4.2.2 Permanently identify all of the critical orifices that may be used. Calibrate each critical~~

~~orifice under the expected operating conditions (i.e., sample vacuum and temperature) against a volume meter as described in Section 5.3.~~

~~4.2.3 Label and tare the sample vessels (including the stoppers and caps) and the syringes.~~

~~4.2.4 Install an empty sample vessel and perform a leak test of the system. Close the carrier gas valve and atmospheric vent and evacuate the sample vessel to 250 mm (10 in) Hg absolute or less using the aspirator. Close the toggle valve at the inlet to the aspirator and observe the vacuum for at least one minute. If there is any change in the sample pressure, release the vacuum, adjust or repair the apparatus as necessary and repeat the leak test.~~

~~4.2.5 Perform the analyzer calibration and linearity checks according to the procedure in Section 5.1. Record the responses to each of the calibration gases and the back-pressure setting of the FIA.~~

~~4.2.6 Establish the appropriate dilution ratio by adjusting the aspirator air supply or substituting critical orifices. Operate the aspirator at a vacuum of at least 25 mm (1 in) Hg greater than the vacuum necessary to achieve critical flow. Select the dilution ratio so that the maximum response of the FIA to the sample does not exceed the high-range calibration gas.~~

~~4.2.7 Perform system calibration checks at two levels by introducing compressed gases at the inlet to the sample vessel while the aspirator and dilution devices are operating. Perform these checks using the carrier gas (zero concentration) and the system calibration gas. If the response to the carrier gas exceeds ±0.5 percent of span, clean or repair the apparatus and repeat the check. Adjust the dilution ratio as necessary to achieve the correct response to the upscale check, but do not adjust the analyzer calibration. Record the identification of the orifice, aspirator air supply pressure, FIA back-pressure, and the responses of the FIA to the carrier and system calibration gases.~~

~~4.2.8 After completing the above checks, inject the system calibration gas for approximately 10 minutes. Time the exact duration of the gas injection using a stopwatch. Determine the area under the FIA response curve and calculate the system response factor based on the sample gas flow rate, gas concentration, and the duration of the injection as compared to the integrated response using Equations 2 and 3.~~

~~4.2.9 Verify that the sample oven and sample line temperatures are 120 ±5°C and that the water bath temperature is 100 ±5°C.~~

~~4.2.10 Fill a tared syringe with approximately 1 g of the VOC containing liquid and weigh it. Transfer the liquid to a tared sample vessel. Plug the sample vessel to minimize sample loss.~~

~~Weight the sample vessel containing the liquid to determine the amount of sample actually received. Also, as a quality control check, weigh the empty syringe to determine the amount of material delivered. The two coating sample weights should agree within ±0.02 g. If not, repeat the procedure until an acceptable sample is obtained.~~

~~4.2.11 Connect the vessel to the analysis system. Adjust the aspirator supply pressure to the correct value. Open the valve on the carrier gas supply to the sample vessel and adjust it to provide a slight excess flow to the atmospheric vent. As soon as the initial response of the FIA begins to decrease, immerse the sample vessel in the water bath. (Applying heat to the sample vessel too soon may cause the FID response to exceed the calibrated range of the instrument, and thus invalidate the analysis.)~~

~~4.2.12 Continuously measure and record the response of the FIA until all of the volatile material has been evaporated from the sample and the instrument response has returned to the baseline (i.e., response less than 0.5 percent of the span value). Observe the aspirator supply pressure, FIA back-pressure, atmospheric vent, and other system operating parameters during the run; repeat the analysis procedure if any of these parameters deviate from the values established during the system calibration checks in Section 4.2.7. After each sample perform the drift check described in Section 5.2. If the drift check results are acceptable, calculate the VOC content of the sample using the equations in Section 7. Integrate the area under the FIA response curve, or determine the average concentration response and the duration of sample analysis.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. After each sample, repeat the system calibration checks in Section 4.2.7 before any adjustments to the FIA or measurement system are made. If the zero or calibration drift exceeds ±3 percent of the span value, discard the result and repeat the analysis.~~

~~5.3 Critical Orifice Calibration.~~

~~5.3.1 Each critical orifice must be calibrated at the specific operating conditions that it will be used. Therefore, assemble all components of the liquid sample analysis system as shown in Figure 3. A stopwatch is also required.~~

~~5.3.2 Turn on the sample oven, sample line, and water bath heaters and allow the system to reach the proper operating temperature. Adjust the aspirator to a vacuum of 380 mm (15 in.) Hg vacuum. Measure the time required for one soap bubble to move a known distance and record barometric pressure.~~

~~5.3.3 Repeat the calibration procedure at a vacuum of 406 mm (16 in.) Hg and at 25 mm (1 in.) Hg intervals until three consecutive determinations provide the same flow rate. Calculate the critical flow rate for the orifice in ml/min at standard conditions. Record the vacuum necessary to achieve critical flow.~~

~~6. NOMENCLATURE~~

~~A_L = area under the response curve of the liquid sample, area count;~~
~~A_S = area under the response curve of the calibration gas, area count;~~
~~C_S = actual concentration of system calibration gas, ppm propane;~~
~~K = 1.830×10^{-9} g/(ml-ppm);~~
~~L = total VOM content of liquid input, kg;~~
~~M_L = mass of liquid sample delivered to the sample vessel, g;~~
~~q = flow rate through critical orifice, ml/min;~~
~~RF = liquid analysis system response factor, g/area count;~~
~~T_S = total gas injection time for system calibration gas during integrator calibration, min;~~
~~V_{Fj} = final VOM fraction of VOM containing liquid j;~~
~~V_{Ij} = initial VOM fraction of VOM containing liquid j;~~
~~V_{Aj} = VOM fraction of VOM containing liquid j added during the run;~~
~~V = VOM fraction of liquid sample;~~
~~W_{Fj} = weight of VOM containing liquid j remaining at the end of the run, kg;~~
~~W_{Ij} = weight of VOM containing liquid j at beginning of the run, kg;~~
~~W_{Aj} = weight of VOM containing liquid j added during the run, kg.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Content of the Input VOM Containing Liquid.~~

$$L = \sum_{j=1}^{n} V_{Ij} W_{Ij} = V_{Fj} W_{Fj} + \sum_{j=1}^{n} V_{Aj} W_{Aj} \quad R_{j=1}^{n} \qquad \text{Eq. 1}$$

7.2 Liquid Sample Analysis System Response Factor for Systems Using Integrators, Grams/Area Counts.

$$RF = \frac{C_S q T_S K}{A_S} \qquad \text{Eq. 2}$$

7.3 VOC Content of the Liquid Sample.

$$V = \frac{A_L RF}{M_L} \qquad \text{Eq. 3}$$

Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure

1. INTRODUCTION

1.1 Applicability. This procedure is used to determine whether a permanent or temporary enclosure meets the criteria of a total enclosure.

1.2 Principle. An enclosure is evaluated against a set of criteria. If the criteria are met and if all the exhaust gases are ducted to a control device, then the volatile organic materials (VOM) capture efficiency (CE) is assumed to be 100 percent and CE need not be measured. However, if part of the exhaust gas stream is not ducted to a control device, CE must be determined.

2. DEFINITIONS

2.1 Natural Draft Opening (NDO) – Any permanent opening in the enclosure that remains open during operation of the emission unit and is not connected to a duct in which a fan is installed.

2.2 Permanent Total Enclosure (PTE) – A permanently installed enclosure that completely surrounds an emission unit such that all VOM emissions are captured and contained for discharge through a control device.

2.3 Temporary Total Enclosure (TTE) – A temporarily installed enclosure that completely

~~surrounds an emission unit such that all VOM emissions are captured and contained for discharge through ducts that allow for the accurate measurement of VOM rates.~~

~~3. CRITERIA OF A TEMPORARY TOTAL ENCLOSURE~~

~~3.1 Any NDO shall be at least 4 equivalent opening diameters from each VOM emitting point.~~

~~3.2 Any exhaust point from the enclosure shall be at least 4 equivalent duct or hood diameters from each NDO.~~

~~3.3 The total area of all NDO's shall not exceed 5 percent of the surface area of the enclosure's four walls, floor, and ceiling.~~

~~3.4 The average facial velocity (FV) of air through all NDO's shall be at least 3,600 m/hr (200 fpm). The direction of air through all NDO's shall be into the enclosure.~~

~~3.5 All access doors and windows whose areas are not included in Section 3.3 and are not included in the calculation in Section 3.4 shall be closed during routine operation of the emission unit.~~

~~4. CRITERIA OF A PERMANENT TOTAL ENCLOSURE~~

~~4.1 Same as Sections 3.1 and 3.3-3.5.~~

~~4.2 All VOM emissions must be captured and contained for discharge through a control device.~~

~~5. PROCEDURE~~

~~5.1 Determine the equivalent diameters of the NDO's and determine the distances from each VOM emitting point to all NDO's. Determine the equivalent diameter of each exhaust duct or hood and its distance to all NDO's. Calculate the distances in terms of equivalent diameters. The number of equivalent diameters shall be at least 4.~~

~~5.2 Measure the total area (A_t) of the enclosure and the total area (A_N) of all NDO's of the enclosure. Calculate the NDO to enclosure area ratio (NEAR) as follows:~~

~~$NEAR = A_N / A_t$~~

~~The NEAR must be ≤ 0.05.~~

~~5.3 Measure the volumetric flow rate, corrected to standard conditions, of each gas stream exiting the enclosure through an exhaust duct or hood using EPA Method 2. In some cases (e.g., when the building is the enclosure), it may be necessary to measure the volumetric flow rate, corrected to standard conditions, of each gas stream entering the enclosure through a forced makeup air duct using Method 2. Calculate the FV using the following equation:~~

~~$FV = [Q_O - Q_I] / A_N$~~

~~where:~~

~~Q_O = the sum of the volumetric flow from all gas streams exiting the enclosure through an exhaust duct or hood.~~

~~Q_I = the sum of the volumetric flow from all gas streams into the enclosure through a forced makeup air duct; zero, if there is no forced makeup air into the enclosure.~~

~~A_N = total area of all NDO's in enclosure.~~

~~The FV shall be at least 3,600 m/hr (200 fpm).~~

~~5.4 Verify that the direction of air flow through all NDO's is inward. Use streamers, smoke tubes, tracer gases, etc. Strips of plastic wrapping film have been found to be effective. Monitor the direction of air flow at intervals of at least 10 minutes for at least 1 hour.~~

~~6. QUALITY ASSURANCE~~

~~6.1 The success of this protocol lies in designing the TTE to simulate the conditions that exist without the TTE, i.e., the effect of the TTE on the normal flow patterns around the affected emission unit or the amount of fugitive VOM emissions should be minimal. The TTE must enclose the application stations, coating reservoirs, and all areas from the application station to the oven. The oven does not have to be enclosed if it is under negative pressure. The NDO's of the temporary enclosure and a fugitive exhaust fan must be properly sized and placed.~~

~~6.2. Estimate the ventilation rate of the TTE that best simulates the conditions that exist without the TTE, i.e., the effect of the TTE on the normal flow patterns around the affected emission unit or the amount of fugitive VOM emissions should be minimal. Figure 1 may be used as an aid. Measure the concentration (C_G) and flow rate (Q_G) of the captured gas stream, specify a safe concentration (C_F) for the fugitive gas stream, estimate the CE, and then use the plot in Figure 1 to determine the volumetric flowrate of the fugitive gas stream (Q_F). A fugitive VOM emission exhaust fan that has a variable flow control is desirable.~~

~~6.2.1 Monitor the concentration of VOM into the capture device without the TTE. To minimize the effect of temporal variation on the captured emissions, the baseline measurement should be made over as long a time period as practical. However, the process conditions must be the same for the measurement in Section 6.2.3 as they are for this baseline measurement. This may require short measuring times for this quality control check before and after the construction of the TTE.~~

~~6.2.2 After the TTE is constructed, monitor the VOM concentration inside the TTE. This concentration shall not continue to increase and must not exceed the safe level according to OSHA requirements for permissible exposure limits. An increase in VOM concentration indicates poor TTE design or poor capture efficiency.~~

~~6.2.3 Monitor the concentration of VOM into the capture device with the TTE. To limit the effect of the TTE on the process, the VOM concentration with and without the TTE must be within ±10 percent. If the measurements do not agree, adjust the ventilation rate from the TTE until they agree within 10 percent.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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	Amendment
219.112	Amendment
219.204	Amendment
219.405	Amendment
219.406	Amendment
219.407	Amendment
219.410	Amendment
219.411	Amendment
219.601	Repeal
219.602	Repeal
219.603	Repeal
219.790	Repeal
219.792	Amendment
219.APPENDIX B	Repeal

4) Statutory authority: Implementing Section 10 and authorized by Section 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: A more complete description of this proposal may be found in the Board's opinion and order of April 21, 2005, in consolidated Board dockets R04-12 and R04-20. This proposal to amend Part 219 of the Board's air pollution control regulations is part of a larger rulemaking in which the Board is also proposing amendments to other air regulations for stationary sources of emissions at 35 Ill Adm. Code 211, 214, and 219. The Board is using docket R04-12 to correct typographical errors in formulas in Part 214 (Sulfur Limitations). The Board is using docket R04-20 to amend Part 211 (Definitions and General Provisions), Part 218 (Organic Material Emission Standards and Limitations for the Chicago Area), and Part 219 (Organic Material Emission Standards and Limitations for the Metro East Area).

The R04-20 amendments are intended primarily to correct, update, and clarify rules implementing federal Clean Air Act requirements for volatile organic material (VOM) emissions reductions in the Chicago and Metro East ozone areas. This proposal addresses, among other things, capture efficiency, carbon adsorbers and control device monitoring, screen printers, sealers and topcoats, lithographic printing, natural gas fired

afterburners, perchloroethylene dry cleaners, and motor vehicle refinishing. The amendments are intended to be non-substantive and emissions-neutral, and to benefit the regulated community by reducing the burden of, and increasing the flexibility in, demonstrating compliance.

Specifically, the amendments to Part 219, which apply to the Metro East area, add alternative capture efficiency test methods, clarify language related to screen printers and wood furniture coating, and propose corrections and clarifying amendments to the lithographic printing regulations. The amendments seek to repeal certain VOM provisions related to perchloroethylene dry cleaning facilities. While perchloroethylene continues to be regulated as a hazardous air pollutant and under the national emission standards for hazardous air pollutants, the United States Environmental Protection Agency has excluded perchloroethylene from the definition of volatile organic compounds (VOC) due to its negligible photochemical reactivity (see 61 Fed. Reg. 4588, Feb. 7, 1996). The Board adopted identical in substance amendments in response to that federal action (see R96-16). The amendments to Part 219 are intended to compliment these prior actions.

This rulemaking also seeks to repeal certain reporting and record keeping requirements for motor vehicle finishing shops as the Illinois Environmental Protection Agency has found that these requirements are not necessary.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

8) Does this rulemaking contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy Objective: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner In Which Interested Persons May Comment on This Proposed Rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket number R04-12 and R04-20 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Richard McGill, at 312-814-6983 or email at mcgillr@ipcb.state.il.us.

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at http:\\www.ipcb.state.il.us.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may impact a small business, small municipality, and not-for-profit corporation if it is a stationary source of VOM emissions that is located in the Metro East ozone area. The Metro East area is composed of Madison, Monroe, and St. Clair Counties.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require reporting, bookkeeping and other procedures in order to maintain compliance.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

13) Regulatory agenda on which this rulemaking was summarized: January 2005

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

POLLUTION CONTROL BOARD

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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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219.105 Test Methods and Procedures
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219.107 Operation of Afterburners
219.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109 Vapor Pressure of Volatile Organic Liquids
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219.127 Testing VOL Operations
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POLLUTION CONTROL BOARD

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219.405 Lithographic Printing: Applicability
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219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
219.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996
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219.421 General Requirements
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219.607 Standards for Petroleum Solvent Dry Cleaners
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219.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
219.APPENDIX C Reference Methods and~~And~~ Procedures
219.APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation
219.APPENDIX E List of Affected Marine Terminals
219.APPENDIX G TRE Index Measurements for SOCMI Reactors and Distillation Units
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 February 2, 1998; amended in R04-20 at 29 Ill. Reg. _____, effective _____.

~~BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.~~

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 D3925-81 (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 E300-86 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 Part 60, 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 D1475-85: 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 D2369-87: 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 D3792-86: 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 D4017-81 (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 D4457-85: 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 D2697-86: 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 D3980-87: 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 E180-85: 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 D2372-85: 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 procedure in: "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.

2) Prior to testing pursuant to the topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in Section~~Sections~~ 219.204(a)(2) or ~~219.204~~(a)(3) shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated consistent with the 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 which 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 below.

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~~procedure T~~ of Appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part~~Appendix B 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~~Specific Requirements~~
The capture efficiency of an emission unit shall be measured using one of the ~~four~~ protocols given in this subsection (c)(2)~~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~~provided that the alternative protocol is approved by the Agency and approved by the USEPA as a SIP revision~~.

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~~Procedure T~~ of Appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part~~Appendix B of this Part~~. The capture efficiency equation to be used for this protocol is:

$CE = G_w$~~w~~/ (G_w~~w~~ + F_w~~w~~)

where:

CE = capture efficiency, decimal fraction:

G_w~~w~~ = mass of VOM captured and delivered to control device using a TTE;

F_w~~w~~ = mass of uncapturedfugitive VOM that escapes from a TTE.

Method 204B or 204CProcedure G.2 contained in Appendix M of 40 CFR 51Appendix B of this Part is used to obtain G_w~~w~~. Method 204D in Appendix MProcedure F.1 in Appendix B of 40 CFR 51this Part is used to obtain F_w~~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 204Procedure T of Appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this PartAppendix B of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{(L - F_w w)}{L}$$

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_w~~w~~ = mass of uncapturedfugitive VOM that escapes from a TTE.

Method 204A or 204FProcedure L contained in Appendix M of 40 CFR 51Appendix B of this Part is used to obtain L. MethodProcedure F.1 in Appendix M of 40 CFR Part 51Appendix B of this Part is used to obtain F_w~~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 described in Method 204 of Appendix M of 40 CFR Part 51, incorporated by reference in Section 219.112 of this Part, and in which "F_B"~~"F"~~ 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 ~~fugitive~~ VOM that escapes from building enclosure.

Method 204B or 204C~~Procedure G.2~~ contained in Appendix M of 40 CFR 51~~Appendix B of this Part~~ is used to obtain G. Method 204E~~Procedure F.2~~ in Appendix M of 40 CFR 51~~Appendix B 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 described in Method 204 of Appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, and in which "F_B"~~"F"~~ 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 uncapturedfugitive VOM that escapes from building enclosure.

Method 204A or 204FProcedure L contained in Appendix M of 40 CFR 51Appendix B of this Part is used to obtain L. Method 204EProcedure F.2 in Appendix M of 40 CFR 51Appendix B 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. 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. 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.

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)~~3)~~ 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 ~~sixty (~~60~~)~~ days of the test date. A copy of the results must be kept on file with the source for a period of ~~three (~~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 ~~Procedure T (~~in Appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, ~~Appendix B 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 ~~procedure T (~~in Appendix M or 40 CFR 51, incorporated by reference in Section 219.112 of this Part,~~Appendix B 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~~afterburner or carbon adsorber~~ 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)~~B)~~ Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A) above, 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 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 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) 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:

$$E = ([VOM_a - VOM_1] / VOM_a) \times 100$$

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/ℓ~~l~~ (lb VOM/gal) of coating solids as applied.

VOM_1 = The VOM emission limit specified in Section~~Sections~~ 219.204 or 219.205 of this Part in units of kg VOM/ℓ~~l~~ (lb VOM/gal) of coating solids as applied.

f) Volatile Organic Material Gas Phase Source Test Methods
The methods in 40 CFR Part 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 ~~Part~~ 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 ~~Part~~ 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 ~~Part~~ 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 ~~Part~~ 60, Appendix A, Method 3, incorporated by reference in Section 219.112 of this Part, shall be used for gas analysis.

5) 40 CFR ~~Part~~ 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 ~~Part~~ 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 above 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 methods~~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.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 219.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-9555~~1916 Race Street, Philadelphia, PA 19103~~:

1) ASTM D2879-86

2) ASTM D323-82

3) ASTM D86-82

4) ASTM D369-69 (1971)

5) ASTM D396-69

6) ASTM D2880-71

7) ASTM D975-68

8) ASTM D3925-81 (1985)

9) ASTM E300-86

10) ASTM D1475-85

11) ASTM D2369-87

12) ASTM D3792-86

13) ASTM D4017-81 (1987)

14) ASTM D4457-85

15) ASTM D2697-86

16) ASTM D3980-87

17) ASTM E180-85

18) ASTM D2372-85

19) ASTM D97-66

20) ASTM E168-87 (1977)

21) ASTM E169-87

22) ASTM E260-91

23) ASTM D2504-83

24) ASTM D2382-83

25) ASTM D323-82 (approved 1982)

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February~~,~~ 1980.

d) 40 CFR ~~Part~~ 60 (July 1, 1991).

e) 40 CFR ~~Part~~ 61 (July 1,1991).

f) 40 CFR ~~Part~~ 50 (July 1,1991).

g) 40 CFR ~~Part~~ 51 (July 1,1991) and 40 CFR 51, Appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR ~~Part~~ 52 (July 1,1991).

i) 40 CFR ~~Part~~ 80 (July 1, 1991) and 40 CFR Part 80 Appendixes D, E, and F (July 1, 1993).

j) "A Guide for Surface Coating Calculation", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating", (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.

l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.

m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.

n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.

p) "Control of Volatile Organic Compound Emissions~~emissions~~ from Large Petroleum Dry Cleaners", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

r) "Portable Instrument User's Manual for Monitoring VOM Sources", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

t) "Petroleum Refinery Enforcement Manual", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline

Marketing Operations: Appendix D", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

w) "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

y) "Guidelines for Determining Capture Efficiency," Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park, NC, January 1995.

z) Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions," John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, February 1995.

(Source: Amended at 29 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 provided in Section 219.204(l), 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:

			kg/ℓ~~l~~	lb/gal
a)	Automobile or Light-Duty Truck Coating			
	1)	Prime coat	0.14 0.14*	(1.2) (1.2)*
	2)	Primer surface coat	1.81 1.81*	(15.1) (15.1)*

BOARD NOTE~~(Note~~: The primer surface coat limitation is in units of kg (lbs) of VOM per ℓ~~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) 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.~~)~~

		kg/ℓ~~l~~	lb/gal
3)	Topcoat	1.81 1.81*	(15.1) (15.1)*

BOARD NOTE~~(Note~~: The topcoat limitation is in units of kg (lbs) of VOM per ℓ~~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) 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.~~)~~

			kg/ℓ~~l~~	lb/gal
	4)	Final repair coat	0.58	(4.8)
			0.58*	(4.8)*
b)	Can Coating		kgℓ/~~l~~	lb/gal
	1)	Sheet basecoat and overvarnish		
		A) Sheet basecoat	0.34	(2.8)
			0.26*	(2.2)*
		B) Overvarnish	0.34	(2.8)
			0.34*	(2.8)*
	2)	Exterior basecoat and overvarnish	0.34	(2.8)
			0.25*	(2.1)*
	3)	Interior body spray coat		
		A) Two piece	0.51	(4.2)
			0.44*	(3.7)*
		B) Three piece	0.51	(4.2)
			0.51*	(4.2)*
	4)	Exterior end coat	0.51	(4.2)
			0.51*	(4.2)*
	5)	Side seam spray coat	0.66	(5.5)
			0.66*	(5.5)*
	6)	End sealing compound coat	0.44	(3.7)
			0.44*	(3.7)*
c)	Paper Coating		kg/ℓ~~l~~	lb/gal
			0.35	(2.9)
			0.28*	(2.3)*

BOARD NOTE~~(Note~~: The paper coating limitation shall not apply to any owner or operator of any paper coating line on which flexographic or rotogravure printing is performed if the paper coating line complies with the emissions limitations in

~~Subpart H: Printing and Publishing,~~ Section 219.401 of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part.~~)~~

		kg/ℓ~~l~~	lb/gal
d)	Coil Coating	0.31	(2.6)
		0.20*	(1.7)*
e)	Fabric Coating	0.35	(2.9)
		0.28*	(2.3)*
f)	Vinyl Coating	0.45	(3.8)
		0.28*	(2.3)*
g)	Metal Furniture Coating		
	1) Air Dried	0.36	(3.0)
		0.34*	(2.8)*
	2) Baked	0.36	(3.0)
		0.28*	(2.3)*
h)	Large Appliance Coating		
	1) Air Dried~~dried~~	0.34	(2.8)
		0.34*	(2.8)*
	2) Baked	0.34	(2.8)
		0.28*	(2.3)*

BOARD NOTE(~~Note~~: The limitation 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 ℓ~~l~~ (1 quart) in any one rolling eight-hour period.~~)~~

		kg/ℓ~~l~~	lb/gal
i)	Magnet Wire Coating	0.20	(1.7)
		0.20*	(1.7)*
j)	Miscellaneous Metal Parts and Products Coating		
	1) Clear Coating~~coating~~	0.52	(4.3)

			0.52*	(4.3)*
	2)	Extreme performance coating		
		A) Air Dried~~dried~~	0.42 0.42*	(3.5) (3.5)*
		B) Baked	0.42 0.40*	(3.5) (3.3)*
	3)	Steel pail and drum interior coating	0.52 0.52*	(4.3)* (4.3)*
	4)	All other coatings		
		A) Air Dried	0.42 0.40*	(3.5) (3.3)*
		B) Baked	0.36 0.34*	(3.0) (2.8)*
	5)	Metallic Coating		
		A) Air Dried	0.42 0.42*	(3.5) (3.5)*
		B) Baked	0.36 0.36	(3.0) (3.0)*
	6)	For purposes of subsection ~~219.204~~(j)(5) of this Section, "metallic coating" means a coating which contains more than ¼ lb/gal of metal particles, as applied.		
k)		Heavy Off-Highway Vehicle Products Coating	kg/ℓ~~l~~	lb/gal
	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)	0.42 042*	(3.5) (3.5)*

4) All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j) above.

l) Wood Furniture Coating

1) Limitations before March 15, 1998:

		kg/ℓ~~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~~(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~~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 (el)(2)(A) through (E)~~,~~ below:

		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 ~~Non-~~acid-cured alkyd amino vinyl sealer	1.9	(1.9)
ii) Topcoat other than ~~Non-~~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 ~~Section 219.204~~(l)(2)(A) or (B) of this Section~~Subpart~~, as calculated using Section 219.216 of this Section~~Subpart~~; or

E) Use a combination of the methods specified in subsection ~~Section 219.204~~(l)(2)(A) through (D) of this Section~~Subpart~~.

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

		kgℓ/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 (el)(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)	Plastic Parts Coating: Automotive/Transportation	kg/ℓl	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)*
n)	Plastic Parts Coating: Business Machine		kg/l	lb/gal
	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)*

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART H: PRINTING AND PUBLISHING

Section 219.405 Lithographic Printing: Applicability

a) Until March 15, 1996, the limitations of Section 219.406 of this Subpart apply to all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with the heatset web offset lithographic printing lines~~line(s)~~) at a source subject to the requirements of this Subpart. All sources with heatset web offset lithographic printing lines are sources subject to the requirements of this Subpart unless:

1) Total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with the heatset web offset lithographic printing lines~~line(s)~~) at the source never exceed 90.7 Mg (100 tons) per calendar year in the absence of air pollution control equipment; or

2) A federally enforceable permit or SIP revision for all heatset web offset lithographic printing lines~~line(s)~~ at a source requires the owner or operator to limit production or capacity of these printing lines~~line(s)~~ to reduce total VOM emissions from all heatset web offset lithographic printing lines~~line(s)~~ to 90.7 Mg (100 tons) per calendar year or less in the absence of air pollution control equipment.

b) Any owner or operator of any heatset web offset lithographic printing line that is exempt from the limitations in Section 219.406 of this Subpart because of the criteria in subsection (a) of this Section shall be subject to the recordkeeping and reporting requirements in Section 219.406(b)(1) of this Subpart.

c) On and after March 15, 1996, every owner or operator of lithographic printing lines~~line(s)~~ is subject to the recordkeeping and reporting requirements in Section 219.411 of this Subpart.

d) On and after March 15, 1996, Sections 219.407 through 219.410~~219.411~~ of this Subpart shall apply to:

1) All owners or operators of heatset web offset lithographic printing lines ~~line(s)~~ unless:

A) Total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset lithographic printing lines) at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. To determine a source's total maximum theoretical emissions of VOM for the purposes of this subsection, the owner or operator shall use the calculations set forth in Section 219.406(b)(1)(A)(ii) of this Subpart; or

B) Federally enforceable permit conditions or SIP revision for all heatset web offset lithographic printing lines~~line(s)~~ at the source requires the owner or operator to limit production or capacity of these printing lines~~line(s)~~ to total VOM emissions of 90.7 Mg/yr (100 TPY) or less, before the application of capture systems and control devices;

2) All owners or operators of heatset web offset, non-heatset web offset, or sheet-fed offset lithographic printing lines~~line(s)~~, unless the combined emissions of VOM from all lithographic printing lines~~line(s)~~ at the source (including solvents used for cleanup operations associated with the lithographic printing lines~~line(s)~~) never exceed 45.5 kg/day (100 lbs/day), as determined in accordance with Section 219.411(a)(1)(B), before the application of capture systems and control devices.

e) If a lithographic printing line at a source is or becomes subject to one or more of the limitations in Section~~Sections~~ 219.406 or 219.407 of this Subpart, the lithographic printing lines~~line(s)~~ at the source are always subject to the applicable provisions of this Subpart.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

a) Emission Standards and Limitations. No owner or operator of a heatset web offset printing line at a source that meets or exceeds the applicability levels in Section 219.405(a) of this Subpart may cause or allow the operation of such heatset web offset printing lines~~line(s)~~ unless the owner or operator meets the requirements in subsection~~subsections~~ (a)(1) or (a)(2) of this Section and the requirements in subsections (a)(3) and (a)(4) of this Section. The owner or operator shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in Section 219.105(a), (d), and (f) of this Part and by complying with the recordkeeping and reporting requirements specified in subsection (b) of this Section.

1) An afterburner system is installed and operated that reduces 90 percent of the VOM emissions (excluding methane and ethane) from the dryer exhaust; or

2) The fountain solution contains no more than 8 percent, by weight, of VOM and a condensation recovery system is installed and operated that removes at least 75 percent of the non-isopropyl alcohol organic materials from the dryer exhaust; and

3) The control device is equipped with the applicable monitoring equipment specified in Section 219.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to manufacturer's specifications at all times when the control device is in use; and

4) The control device is operated at all times when the printing line is in operation.

b) Recordkeeping and Reporting. The VOM content of each fountain solution and

ink and the efficiency of each 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 subsection.

1) Any owner or operator of a lithographic printing line which is exempted from the limitations of subsection (a) of this Section because of the criteria in Section 219.405(a) of this Subpart shall comply with the following:

A) By a date consistent with Section 219.106 of this Part, the owner or operator of a heatset web offset lithographic printing line to which subsection (b)(1) of this Section is applicable shall certify to the Agency that the heatset web offset lithographic printing line is exempt under the provisions of Section 219.405(a) of this Subpart. Such certification shall include:

i) A declaration that the heatset web offset lithographic printing line is exempt from the limitations of subsection (a) of this Section because of the criteria in Section 219.405(a) of this Subpart; and

ii) Calculations that~~which~~ demonstrate that total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of air pollution control equipment. 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:

$$E_p = (R \times A \times B) + (C \times D) + 1095\ (F \times G \times H) \cancel{/ 100}$$

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/ℓ1 (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 ℓ~~l~~/yr (gal/yr). The instrument or method by which the owner or operator accurately measured or 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~~l~~ (lb/gal) ~~The weight percent VOM of the fountain solution with the highest VOM content~~;

D = The total volume of fountain solution that can potentially be used each year on the printing line in units of ℓ~~l~~/yr (gal/yr). The instrument and/or method by which the owner or operator accurately measured or 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~~l~~ (lb/gal) of such material;

G = The greatest volume of cleanup material or solvent used in any 8-hour period; ~~and~~

H = The highest fraction of cleanup material or solvent which 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 foil, plastic, or other impervious substrates, R = 1.0.

B) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a heatset web offset lithographic printing line to which subsection (b)(1) of this Section is applicable 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:

i) The name and identification of each fountain solution and ink as applied on each printing line; and

ii) The VOM content and the volume of each fountain solution and ink as applied each year on each printing line.

C) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a source exempted from the limitations of subsection (a) of this Section because of the criteria in Section 219.405(a) of this Subpart shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines exceed 90.7 Mg (100 tons) in any calendar year in the absence of air pollution control equipment by sending a copy of such record to the Agency within 30 days after the exceedence occurs.

2) Any owner or operator of a printing line subject to the limitations of subsection (a) of this Section and complying by means of subsection (a)(1) of this Section shall comply with the following:

A) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from subsection (a)(2) to (a)(1) of this Section, 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 subsection (a)(1) of this Section on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date;

B) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, collect and record the following information each day for each printing line and maintain the information at the source for a period of three years:

i) Control device monitoring data;

ii) A log of operating time for the control device, monitoring equipment and the associated printing line; and

iii) 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;

C) On and after a date consistent with Section 219.106 of this Part, notify the Agency in the following instances:

i) Any violation of subsection (a)(1) of this Section shall be reported to the Agency, in writing, within 30 days following the occurrence of the violation;

ii) Any record showing a violation of subsection (a)(1) of this Section shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation; and

iii) At least 30 calendar days before changing the method of compliance with subsection (a) of this Section from subsection (a)(1) to (a)(2) of this Section, the owner or operator shall comply with all requirements of subsection (b)(3)(A) of this Section. Upon changing the method of compliance with subsection (a) of this Section from subsection (a)(1) to (a)(2) of this Section, the owner or operator shall comply with all requirements of subsection (b)(3) of this Section.

3) Any owner or operator of a printing line subject to the limitations of subsection (a) of this Section and complying by means of subsection (a)(2) of this Section shall:

A) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from subsection (a)(1)

to (a)(2) of this Section, perform all tests and submit to the Agency and the USEPA the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with subsection (a)(2) of this Section on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date;

B) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, collect and record the following information each day for each printing line and maintain the information at the source for a period of three years:

i) The VOM content of the fountain solution used each day on each printing line;

ii) A log of operating time for the control device and the associated printing line; and

iii) A maintenance log for the control device detailing all routine and non-routine maintenance performed including dates and duration of any outages;

C) On and after a date consistent with Section 219.106 of this Part, notify the Agency in the following instances:

i) Any violation of subsection (a)(2) shall be reported to the Agency, in writing, within 30 days following the occurrence of the violation;

ii) Any record showing a violation of subsection (a)(2) of this Section shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation; and

iii) At least 30 calendar days before changing the method of compliance with subsection (a) of this Section from subsection (a)(2) to (a)(1) of this Section, the owner or operator shall comply with all requirements of subsection (b)(2)(A) of this Section. Upon changing the method of compliance with subsection (a) of this Section from

subsection (a)(2) to (a)(1) of this Section, the owner or operator shall comply with all requirements of subsection (b)(2) of this Section.

c) Compliance Schedule. Every owner or operator of a heatset web offset lithographic printing line shall comply with the applicable requirements of subsections (a) and (b) of this Section in accordance with the applicable compliance schedule specified in subsection~~subsections~~ (c)(1), (c)(2), or (c)(3) of this Section:

1) No owner or operator of a heatset web offset lithographic printing line which is exempt from the limitations of subsection (a) of this Section because of the criteria in Section 219.405(a) of this Subpart shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section~~Sections~~ 219.405(a) of this Subpart and subsection~~219.406~~(b)(1) of this Section~~Subpart~~.

2) No owner or operator of a heatset web offset lithographic printing line complying by means of subsection (a)(1) of this Section shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, subsections (a)(1), (a)(3), (a)(4) and (b)(2) of this Section.

3) No owner or operator of a heatset web offset lithographic printing line complying by means of subsection (a)(2) of this Section shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, subsections (a)(2), (a)(3), (a)(4) and (b)(3) of this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996

a) On and after March 15, 1996, no owner or operator of lithographic printing lines~~line(s)~~ subject to the requirements of this Subpart shall:

1) Cause or allow the operation of any heatset web offset lithographic printing line unless:

A) The total VOM content in the as-applied fountain solution meets one of the following conditions:

i) 1.6 percent or less, by volume;

ii) 3 percent or less, by volume, and the temperature of the fountain solution is maintained below 15.6° C (60° F), measured at the reservoir or the fountain tray; or

iii) 5 percent or less, by volume, and the as-applied fountain solution contains no alcohol;

B) The air pressure in the dryer is maintained lower than the air pressure of the press room, such that air flow through all openings in the dryer, other than the exhaust, is into the dryer at all times when the printing line is operating;

C) An afterburner is installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhausts~~exhaust(s)~~ are reduced by 90 percent, by weight, or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon);

D) The afterburner is equipped with the applicable monitoring equipment specified in Section 219.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated, and maintained according to manufacturer's specifications at all times when the afterburner is in use; and

E) The afterburner is operated at all times when the printing line is in operation, except the afterburner may be shut down between November 1 and April 1 as provided in Section 219.107 of this Part;

2) Cause or allow the operation of any non-heatset web offset lithographic printing line unless the VOM content of the as-applied fountain solution is 5 percent or less, by volume, and the as-applied fountain solution contains no alcohol;

3) Cause or allow the operation of any sheet-fed offset lithographic printing line unless:

A) The VOM content of the as-applied fountain solution is 5 percent or less, by volume; or

B) The VOM content of the as-applied fountain solution is 8.5 percent or less, by volume, and the temperature of the fountain solution is maintained below 15.6° C (60° F), measured at the reservoir or the fountain tray;

4) Cause or allow the use of a cleaning solution on any lithographic printing line unless:

A) The VOM content of the as-used cleaning solution is less than or equal to 30 percent, by weight; or

B) The VOM composite partial vapor pressure of the as-used cleaning solution is less than 10 mmHg at 20° C (68° F);

5) Cause or allow VOM containing cleaning materials, including used cleaning towels, associated with any lithographic printing line to be kept, stored or disposed of in any manner other than in closed containers.

b) An owner or operator of a heatset web offset lithographic printing line subject to the requirements of Section 219.407(a)(1)(C) of this Subpart may use a control device other than an afterburner, if:

1) The control device reduces VOM emissions from the press dryer exhausts~~exhaust(s)~~ by at least 90 percent, by weight, or to a maximum control device exhaust outlet concentration of 20 ppmv (as carbon);

2) 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

3) The use of the control device with testing, monitoring, and recordkeeping in accordance with this plan is approved by the Agency and USEPA as federally enforceable permit conditions.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 219.410 Monitoring Requirements for Lithographic Printing

a) Fountain Solution Temperature.

1) The owner or operator of any lithographic printing lines~~line(s)~~ relying on the temperature of the fountain solution to demonstrate compliance shall install, maintain, and continuously operate a temperature monitor of the fountain solution in the reservoir or fountain tray, as applicable.

2) The temperature monitor must be capable of reading with an accuracy of 1° C or 2° F~~0.3°C or 0.5°F~~, and must be attached to an automatic, continuous recording device such as a strip chart, recorder, or computer, with at least the same accuracy, that is installed, calibrated and maintained in accordance with the manufacturer's specifications. If the automatic, continuous recording device malfunctions, the owner or operator shall record the temperature of the fountain solution at least once every two operating hours. The automatic, continuous recording device shall be repaired or replaced as soon as practicable.

b) Fountain Solution VOM Content. The owner or operator of any lithographic printing lines~~line(s)~~ subject to Section 219.407(a)(1)(A)~~218.407(a)(1)(A)~~, (a)(2) or (a)(3) of this Subpart shall:

1) For a fountain solution to which VOM is not added automatically:

A) Maintain records of the VOM content of the fountain solution in accordance with Section 219.411(c)(2)(C)~~218.411(c)(2)(C)~~; or

B) Take a sample of the as-applied fountain solution from the fountain tray or reservoir, as applicable, each time a fresh batch of fountain solution is prepared or each time VOM is added to an existing batch of fountain solution in the fountain tray or reservoir, and shall determine compliance with the VOM content limitation of the as-applied fountain solution by using one of the following options:

i) With a refractometer or hydrometer with a visual, analog, or digital readout and with an accuracy of 0.5 percent. The refractometer or hydrometer must be calibrated with a

standard solution for the type of VOM used in the fountain solution, in accordance with manufacturer's specifications, against measurements performed to determine compliance. The refractometer or hydrometer must be corrected for temperature at least once per 8-hour shift or once per batch of fountain solution prepared or modified, whichever is longer; or

ii) With a conductivity meter if it is demonstrated that a refractometer and hydrometer cannot distinguish between compliant and noncompliant fountain solution for the type and amount of VOM in the fountain solution. A source may use a conductivity meter if it demonstrates that both hydrometers and refractometers fail to provide significantly different measurements for standard solutions containing 95 percent, 100 percent and 105 percent of the applicable VOM content limit. The conductivity meter reading for the fountain solution must be referenced to the conductivity of the incoming water. A standard solution shall be used to calibrate the conductivity meter for the type of VOM used in the fountain solution, in accordance with manufacturer's specifications;

2) For fountain solutions to which VOM is added at the source with automatic feed equipment, determine the VOM content of the as-applied fountain solution based on the setting of the automatic feed equipment which makes additions of VOM up to a pre-set level. Records must be retained of the VOM content of the fountain solution in accordance with Section 219.411(c)(2)(D) of this Subpart. The equipment used to make automatic additions must be installed, calibrated, operated and maintained in accordance with manufacturer's specifications.

c) Afterburners For Heatset Web Offset Lithographic Printing Lines~~Line(s)~~
If an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to Section 219.407(a)(1)(C) of this Subpart shall:

1) Install, calibrate, maintain, and operate temperature monitoring devices~~device(s)~~ with an accuracy of 3° C or 5 F° on the afterburner 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 afterburner is operating; and

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

d) Other Control Devices for Heatset Web Offset Lithographic Printing Lines~~Line(s)~~.
If a control device other than an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to this Subpart shall install, maintain, calibrate and operate such monitoring equipment as set forth in the owner or operator's plan approved by the Agency and USEPA pursuant to Section 219.407(b) of this Subpart.

e) Cleaning Solution~~.~~

1) The owner or operator of any lithographic printing line relying on the VOM content of the cleaning solution to comply with Section 219.407(a)(4)(A) of this Subpart must:

A) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):

i) 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

ii) 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 219.407(a)(4)(A) of this Subpart;

B) 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 219.411(d)(2) of this Subpart.

2) The owner or operator of any lithographic printing line relying on the vapor pressure of the cleaning solution to comply with Section 219.407(a)(4)(B) of this Subpart must keep records for such cleaning solutions used on any such lines~~line(s)~~ as set forth in Section 219.411(d)(2)(C) of this Subpart.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 219.411 Recordkeeping and Reporting for Lithographic Printing

a) An owner or operator of lithographic printing lines~~line(s)~~ exempt from the limitations of Section 219.407 of this Subpart because of the criteria in Section 219.405(d) of this Subpart shall comply with the following:

1) By March 15, 1996, 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(d) of this Subpart;

B) Calculations which 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~~line(s)~~ 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~~line(s)~~; and

iv) To determine VOM emissions from fountain solutions and cleaning solvents used on lithographic printing lines~~line(s)~~ 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 TPY). To determine the source's total maximum theoretical emissions for the purposes of this subsection, the owner or operator shall use the calculations set forth in Section 219.406(b)(1)(A)(ii) of this Subpart; and

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) On and after March 15, 1996, collect and record either the information specified in subsection (a)(2)(A) or (a)(2)(B) of this Section for all lithographic printing lines at the source:

A) Standard recordkeeping, including the following:

i) The name and identification of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

ii) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

iii) 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;

iv) 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

v) The VOM emissions in lbs/day for the month, calculated in accordance with subsection ~~Section 218.411~~(a)(1)(B) of this Section~~Subpart~~;

B) Purchase and inventory recordkeeping, including the following:

i) 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;

ii) 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;

iii) Monthly purchase records for each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line at the source;

iv) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

v) 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 (a)(2)(B)(i), (a)(2)(B)(ii) and (a)(2)(B)(iii) of this Section; and

vi) The VOM emissions in lbs/day for the month, calculated in accordance with subsection~~Section~~ (a)(1)(B)~~218.411(a)(1)(B)~~ of this Section~~Subpart~~;

3) On and after March 15, 1996, 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) An owner or operator of a heatset web offset lithographic printing lines~~line(s)~~ 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 March 15, 1996, 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;

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~~line(s)~~ is 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~~line(s)~~ is or is 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) On and after March 15, 1996, 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 insure compliance with the requirements of Section 219.407(a)(1)(B) of this Subpart at least once per 24-hour period while the line is operating;

4) On and after March 15, 1996, 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 (b)(1) of this Section at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing line(s) 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.

c) 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 March 15, 1996, 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) The VOM content limitation with which each fountain solution will comply;

D) Initial documentation that each type of fountain solution will comply with the applicable VOM content limitation, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

E) Identification of the method 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 ~~Section 219.411~~(c)(2) of this Section~~Subpart~~.

2) On and after March 15, 1996, 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~~line(s)~~ 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 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)~~D)~~ 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; and

4) If changing its method of demonstrating compliance with the applicable VOM content limitations in Section 219.407 of this Subpart, or changing the method of demonstrating compliance with the VOM content limitations for fountain solutions pursuant to Section 219.409 of this Subpart, certify compliance for such new methods~~method(s)~~ in accordance with subsection (c)(1) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines~~line(s)~~ will be in compliance with the applicable requirements of Section 219.407 of this Subpart.

d) 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 March 15, 1996, and~~or~~ upon initial start-up of a new lithographic printing line, certify to the Agency that all cleaning solutions, and the handling of 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) Identification of each VOM-containing cleaning solution used on each lithographic printing line;

   B) The limitation with which each VOM-containing cleaning solution will comply, i.e., the VOM content or vapor pressure;

   C) Initial documentation that each VOM-containing cleaning solution will comply with the applicable limitation, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

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

   E) A sample of the records that will be kept pursuant to subsection ~~Section 219.411~~(d)(2) of this Section~~Subpart~~; and

   F) A description of the practices that assure that VOM-containing cleaning materials are kept in closed containers;

2) On and after March 15, 1996, 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 which 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 which 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;

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;

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;

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) On and after March 15, 1996, 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; and

4) If changing its method of demonstrating compliance with the requirements of Section 219.407(a)(4) of this Subpart, or changing between automatic and manual methods of preparing cleaning solutions, certify compliance for such new method in accordance with subsection (d)(1) of this Section, within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines~~line(s)~~ will be in compliance with the applicable requirements of Section 219.407(a)(4) of this Subpart.

e) 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 29 Ill. Reg. _____, effective _____)

SUBPART Z: DRY CLEANERS

Section 219.601 Perchloroethylene Dry Cleaners (Repealed)

~~The owner or operator of a dry cleaning operation which uses perchloroethylene shall:~~

~~a) Vent the entire dryer exhaust through a properly designed and functioning carbon adsorption system or equally effective control device; and~~

~~b) Emit no more than 100 ppmv of VOM from the dryer control device before dilution, or achieve a 90 percent average reduction before dilution; and~~

~~c) Immediately repair all components found to be leaking liquid VOM; and~~

~~d) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg (55 lb) or less of volatile organic material per 100 kg (220 lb) of wet waste material; and~~

~~e) Reduce the VOM from all solvent stills to 60 kg (132 lb) or less per 100 kg (220 lb) of wet waste material; and~~

~~f) Drain all filtration cartridges in the filter housing or other sealed container for at least 24 hours before discarding the cartridges; and~~

~~g) Dry all drained filtration cartridges in equipment connected to an emission reduction system or in a manner that will eliminate emission of volatile organic material to the atmosphere.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

Section 219.602 Exemptions (Repealed)

~~The provisions of Section 219.601 are not applicable to perchloroethylene dry cleaning operations which are coin-operated or to dry cleaning operations consuming less than 30 gal per~~

~~month (360 gal per year) of perchloroethylene.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

Section 219.603 Leaks (Repealed)

~~The presence of leaks shall be determined for purposes of Section 219.601(c) of this Part by a visual inspection of the following: hose connections, unions, couplings and valves; machine door gaskets and seatings; filter head gasket and seating; pumps; base tanks and storage containers; water separators; filter sludge recovery; distillation unit; diverter valves; saturated lint from lint baskets; and cartridge filters.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

SUBPART HH: MOTOR VEHICLE REFINISHING

Section 219.790 General Recordkeeping and Reporting (Repealed)

~~On and after the compliance date specified in Section 219.791 of this Subpart, every owner or operator of a motor vehicle refinishing operation shall maintain the following records for the most recent consecutive 3 years. Such records shall be made available to the Agency immediately upon request:~~

~~a) The name and manufacturer of each coating and surface preparation product used at the source each month;~~

~~b) The volume of each category of coating, as set forth in Section 219.780 of this Subpart, purchased by the source each month;~~

~~c) The coating mixing instructions, as stated on the container, in literature supplied with the coating, or otherwise specified by the manufacturer, for each coating purchased by the source each month;~~

~~d) The VOM content, expressed as weight of VOM per volume of coating, minus water and any compounds that are specifically exempted from the definition of VOM, recorded on a monthly basis for:~~

~~1) Each coating as purchased, if the coating is not mixed with any additives prior to application on the substrate; or~~

~~2) Each coating after mixing according to manufacturer's instructions as collected pursuant to subsection (c) of this Section;~~

~~e) The weighted average VOM content of the coating, as specified in Section 219.780(d)(1), (d)(2) or (d)(3) of this Subpart, for each basecoat/clearcoat, and three or four stage coating system purchased by the source, recorded on a monthly basis;~~

~~f) The total monthly volume of all specialty coatings purchased and the percentage specialty coatings comprise in the aggregate of all coatings purchased by the source each month;~~

~~g) The volume of each category of surface preparation material, as set forth in Section 219.786 of this Subpart, purchased by the source each month; and~~

~~h) The VOM content, expressed as weight of VOM per volume of material, including water, of each surface preparation material purchased by the source, recorded on a monthly basis.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

Section 219.792 Registration

a) Every owner or operator of a motor vehicle refinishing operation shall register with the Agency on or before the date specified in Section 219.791 of this Subpart ~~and re-register no later than 45 days following the end of each subsequent calendar year~~. The following information shall be included in this registration:

1) The name and address of the source, and the name and telephone number of the person responsible for submitting the registration information;

2) A description of all coating operations of motor vehicles, mobile equipment, or their parts or components, and all associated surface preparation operations at the source;

3) A description of all coating applicators used at the source to comply with Section 219.784(a) of this Subpart, if applicable;

4) A description of all cleanup operations at the source, including equipment used to comply with Section 219.784(b) of this Subpart, if applicable;

5) A description of all work practices at the source used to comply with Section 219.787 of this Subpart;

6) If a source claims to be exempt from the equipment requirements in Section 219.784 of this Subpart because it uses less than 20 gallons of coating per year, the owner's or operator's certification that the annual usage is below this level;

7) A written declaration stating whether the source is complying with this Subpart by using coatings that comply with the applicable VOM content limits in Section 219.780 of this Subpart or by control equipment as specified in Section 219.782; and

8) A description of any control devices used to comply with Section 219.782 of this Subpart and the dates~~date(s)~~ the device was installed and became operational.

b) At least 30 calendar days before changing the method of compliance to or from Sections 219.780 and 219.782, the owner or operator of a motor vehicle refinishing operation shall notify the Agency and certify that the source is in compliance with the applicable requirements for the new method of compliance.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 219.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)

~~Procedure G.1 Captured VOM Emissions~~

~~1. INTRODUCTION~~

~~1.1 Applicability. This procedure is applicable for determining the volatile organic materials (VOM) content of captured gas streams. It is intended to be used as a segment in the development of liquid/gas or gas/gas protocols for determining VOM capture efficiency (CE) for surface coating and printing operations. The procedure may not be acceptable in certain site-specific situations, e.g., when: (1) direct fired heaters or other circumstances affect the quantity of VOM at the control device inlet; and (2) particulate organic aerosols are formed in the process and are present in the captured emissions.~~

~~1.2 Principle. The amount of VOM captured (G) is calculated as the sum of the products of the VOM content (C_{Gj}), the flow rate (Q_{Gj}), and the sample time (T_C) from each captured emissions point.~~

~~1.3 Estimated Measurement Uncertainty. The measurement uncertainties are estimated for each captured or fugitive emissions point as follows: Q_{Gj} = 5.5 percent and C_{Gj} = ±5.0 percent. Based on these numbers, the probable uncertainty for G is estimated at about ±7.4 percent.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Gas VOM Concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:~~

~~2.1.1 Sample Probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOM condensation.~~

~~2.1.2 Calibration Valve Assembly. Three-way valve assembly at the outlet of sample probe to~~

~~direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.~~

~~2.1.3 Sample Line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.~~

~~2.1.4 Sample Pump. A leak-free pump, to pull the sample through the system at a flow rate sufficient to cause a response in the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.~~

~~2.1.5 Sample Flow Rate Control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow rate control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.~~

~~2.1.6 Sample Gas Manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If captured or fugitive emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.~~

~~2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.1.7.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.2 Calibration Drift. Less than ±3.0 percent of the calibration gas value.~~

~~2.1.7.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.1.7.4 Response Time. Less than 30 seconds.~~

~~2.1.8 Integrator/Data Acquisition System. An analog or digital device or computerized date acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or~~

~~integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.1.9 Calibration and Other Gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration has values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.1.9.2 Carrier Gas. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.1.9.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.1.10 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is present. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.~~

~~2.2 Captured Emissions Volumetric Flow Rate.~~

~~2.2.1 Method 2 or 2A Apparatus. For determining volumetric flow rate.~~

~~2.2.2 Method 3 Apparatus and Reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.~~

~~2.2.3 Method 4 Apparatus and Reagents. For determining moisture content, if necessary.~~

~~3. DETERMINATION OF VOLUMETRIC FLOW RATE OF CAPTURED EMISSIONS~~

~~3.1 Locate all points where emissions are captured from the affected emission unit. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling~~

~~flow.~~

~~3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.~~

~~4. DETERMINATION OF VOM CONTENT OF CAPTURED EMISSIONS~~

~~4.1 Analysis Duration. Measure the VOM responses at each captured emissions point during the entire test run or, if applicable, while the process is operating. If there are multiple captured emission locations, design a sampling system to allow a single FIA to be used to determine the VOM responses at all sampling locations.~~

~~4.2 Gas VOM Concentration.~~

~~4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA according to the procedure in Section 5.1.~~

~~4.2.2 Conduct a system check according to the procedure in Section 5.3.~~

~~4.2.3 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.~~

~~4.2.4 Inject zero gas at the calibration valve assembly. Allow the measurement system response to reach zero. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.~~

~~4.2.5 Conduct a system check before and a system drift check after each sampling run according to the procedures in Sections 5.2 and 5.3. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform system drift checks during the run not to exceed one drift check per hour.~~

~~4.2.6 Verify that the sample lines, filter, and pump temperatures are 120 ± 5°C.~~

~~4.2.7 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple captured emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of~~

~~testing. Disregard the measurements at each sampling location until two times the response time of the measurement system gas elapsed. Continue sampling for at least 1 minute and record the concentration measurements.~~

~~4.3 Background Concentration.~~

~~4.3.1 Locate all NDOs of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. if there are more than 6 NDOs, choose 6 sampling points evenly spaced among the NDOs.~~

~~4.3.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.3. NOTE: This sample train shall be a separate sampling train from the one to measure the captured emissions.~~

~~4.3.3 Position the probe at the sampling location.~~

~~4.3.4 Determine the response time, conduct the system check and sample according to the procedures described in Sections 4.2.4 to 4.2.7.~~

~~4.4 Alternative Procedure. The direct interface sampling and analysis procedure described in Section 7.2 of Method 18 may be used to determine the gas VOM concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check after assembling the analysis system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. Select the calibration gas that most closely approximates the concentration of the captured emissions for conducting the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and~~

~~calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in Section 5.1 is less than 3 percent of the span value. Conduct the system drift checks at the end of each run.~~

~~5.3 System Check. Inject the high range calibration gas at the inlet of the sampling probe and record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in Section 5.1 for the high range calibration gas. Conduct a system check before and after each test run.~~

~~5.4 Analysis Audit. Immediately before each test analyze an audit cylinder as described in Section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.~~

~~6. NOMENCLATURE~~

~~A_i = area of NDO I, ft^2;~~

~~A_N = total area of all NDO's in the enclosure, ft^2;~~

~~C_{Bi} = corrected average VOM concentration of background emissions at point i, ppm propane;~~

~~C_B = average background concentration, ppm propane;~~

~~C_{Gj} = corrected average VOM concentration of captured emissions at point j, ppm propane;~~

~~C_{DH} = average measured concentration for the drift check calibration gas, ppm propane;~~

~~C_{DO} = average system drift check concentration for zero concentration gas, ppm propane;~~

~~C_H = actual concentration of the drift check calibration gas, ppm propane;~~

~~C_i = uncorrected average background VOM concentration measured at point i, ppm propane;~~

~~C_j = uncorrected average VOM concentration measured at point j, ppm propane;~~

~~G = total VOM content of captured emissions, kg;~~

~~K_1 = 1.830×10^{-6} kg/ (m^3-ppm);~~

~~n = number of measurement points;~~

~~Q_{Gj} = average effluent volumetric flow rate corrected to standard conditions at captured emissions point j, m^3/min;~~

~~T_C = total duration of captured emissions sampling run, min.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Captured Emissions.~~

$$G = \sum_{j=1}^{n} (C_{Gj} - C_B)\, Q_{Gj}\, T_C\, K_1 \qquad \text{Eq. 1}$$

~~7.2 VOM Concentration of the Captured Emissions at Point j.~~

$$C_{Gj} = (C_j - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 2}$$

~~7.3 Background VOM Concentration at point i.~~

$$C_{Bj} = (C_i - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 3}$$

~~7.4 Average Background Concentration.~~

$$CB = \frac{\sum_{i=1}^{n} C_{Bi} A_i}{n A_N} \qquad \text{Eq. 4}$$

~~NOTE: If the concentration at each point is within 20 percent of the average concentration of all points, the terms "A_i" and "A_N" may be deleted from Equation 4.~~

~~Procedure G.2 - Captured VOM Emissions (Dilution Technique)~~

~~1. INTRODUCTION~~

~~1.1 Applicability. This procedure is applicable for determining the volatile organic materials (VOM) content of captured gas streams. It is intended to be used as a segment in the development of a gas/gas protocol in which fugitive emissions are measured for determining VOM capture efficiency (CE) for surface coating and printing operations. A dilution system is used to reduce the VOM concentration of the captured emission to about the same concentration as the fugitive emissions. The procedure may not be acceptable in certain site-specific situations, e.g., when: (1) direct fired heaters or other circumstances affect the quantity of VOM at the control device inlet; and (2) particulate organic aerosols are formed in the process and are present in the captured emissions.~~

~~1.2 Principle. The amount of VOM captured (G) is calculated as the sum of the products of the VOM content (C_{Gj}), the flow rate (Q_{Gj}), and the sampling time (T_C) from each captured emissions point.~~

~~1.3 Estimated Measurement Uncertainty. The measurement uncertainties are estimated for each captured or fugitive emissions point as follows: Q_{Gj} = ±5.5 percent and C_{Gj} = ±5 percent. Based on these numbers, the probable uncertainty for G is estimated at about ±7.4 percent.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Gas VOM Concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:~~

~~2.1.1 Dilution System. A Kipp in-stack dilution probe and controller or similar device may be used. The dilution rate may be changed by substituting different critical orifices or adjustments of the aspirator supply pressure. The dilution system shall be heated to prevent VOM condensation. Note: An out-of-stack dilution device may be used.~~

~~2.1.2 Calibration Valve Assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.~~

~~2.1.3 Sample Line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.~~

~~2.1.4 Sample Pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.~~

~~2.1.5 Sample Flow Rate Control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.~~

~~2.1.6 Sample Gas Manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If captured or fugitive emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.~~

~~2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.1.7.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.2 Calibration Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.1.7.4 Response Time. Less than 30 seconds.~~

~~2.1.8 Integrator/Data Acquisition System. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and~~

~~record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.1.9 Calibration and Other Gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.1.9.2 Carrier Gas and Dilution Air Supply. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.1.9.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with normal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.1.9.4 Dilution Check Gas. Gas mixture standard containing propane in air, approximately half the span value after dilution.~~

~~2.1.10 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.~~

~~2.2 Captured Emissions Volumetric Flow Rate.~~

~~2.2.1 Method 2 or 2A Apparatus. For determining volumetric flow rate.~~

~~2.2.2 Method 3 Apparatus and Reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.~~

~~2.2.3 Method 4 Apparatus and Reagents. For determining moisture content, if necessary.~~

~~3. DETERMINATION OF VOLUMETRIC FLOW RATE OF CAPTURED EMISSIONS~~

~~3.1 Locate all points where emissions are captured from the affected facility. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling flow.~~

~~3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.~~

~~4. DETERMINATION OF VOM CONTENT OF CAPTURED EMISSIONS~~

~~4.1 Analysis Duration. Measure the VOM responses at each captured emissions point during the entire test run or, if applicable, while the process is operating. If there are multiple captured emissions locations, design a sampling system to allow a single FIA to be used to determine the VOM responses at all sampling locations.~~

~~4.2 Gas VOM Concentration.~~

~~4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA according to the procedure in Section 5.1.~~

~~4.2.2 Set the dilution ratio and determine the dilution factor according to the procedure in Section 5.3.~~

~~4.2.3 Conduct a system check according to the procedure in Section 5.4.~~

~~4.2.4 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.~~

~~4.2.5 Inject zero gas at the calibration valve assembly. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.~~

~~4.2.6 Conduct a system check before and a system drift check after each sampling run according to the procedures in Sections 5.2 and 5.4. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform system drift checks during the run not to exceed one drift check per hour.~~

~~4.2.7 Verify that the sample lines, filter, and pump temperatures are 120 ±5°C.~~

~~4.2.8 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple captured emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.~~

~~4.3 Background Concentration.~~

~~4.3.1 Locate all NDO's of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO's, choose 6 sampling points evenly spaced among the NDO's.~~

~~4.3.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.4.~~

~~4.3.3 Position the probe at the sampling location.~~

~~4.3.4 Determine the response time, conduct the system check and sample according to the procedures described in Sections 4.2.4 to 4.2.8.~~

~~4.4 Alternative Procedure. The direct interface sampling and analysis procedure described in Section 7.2 of Method 18 may be used to determine the gas VOM concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system after the dilution system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis~~

~~system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. Select the calibration gas that most closely approximates the concentration of the diluted captured emissions for conducting the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in Section 5.1 is less than 3 percent of the span value. Conduct the system drift check at the end of each run.~~

~~5.3 Determination of Dilution Factor. Inject the dilution check gas into the measurement system before the dilution system and record the response. Calculate the dilution factor using Equation 3.~~

~~5.4 System Check. Inject the high range calibration gas at the inlet to the sampling probe while the dilution air is turned off. Record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in Section 5.1 for the high range calibration gas. Conduct a system check before and after each test run.~~

~~5.5 Analysis Audit. Immediately before each test analyze an audit cylinder as described in Section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.~~

~~6. NOMENCLATURE~~

~~A_i = area of NDO I, ft^2;~~

~~A_N = total area of all NDO's in the enclosure, ft^2;~~

~~C_A = actual concentration of the dilution check gas, ppm propane;~~

~~C_{Bi} = corrected average VOCM concentration of background emissions at point I, ppm propane;~~

~~C_B = average background concentration, ppm propane;~~

~~C_{DH} = average measured concentration for the drift check calibration gas, ppm propane;~~

~~C_{D0} = average system drift check concentration for zero concentration gas, ppm propane;~~

~~C_H = actual concentration of the drift check calibration gas, ppm propane;~~

~~C_i = uncorrected average background VOCM concentration measured at point i, ppm propane;~~

~~C_j = uncorrected average VOCM concentration measured at point j, ppm propane;~~

~~C_M = measured concentration of the dilution check gas, ppm propane;~~

~~DF = dilution factor;~~

~~G = total VOCM content of captured emissions, kg;~~

~~K_1 = 1.830×10^{-6} kg/ (m^3 ppm);~~

~~n = number of measurement points;~~

~~Q_{Gj} = average effluent volumetric flow rate corrected to standard conditions at captured emissions point j, m^3/min;~~

~~T_C = total duration of capture efficiency sampling run, min.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Captured Emissions.~~

$$\cancel{G = \sum_{j=1}^{n} C_{Gj} Q_{Gj} T_C K_1 \qquad \text{Eq. 1}}$$

~~7.2 VOM Concentration of the Captured Emissions at Point j.~~

$$\cancel{C_{Gj} = DF\ (C_j - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 2}}$$

~~7.3 Dilution Factor.~~

$$D_F = \frac{C_A}{C_M} \qquad \text{Eq. 3}$$

7.4 Background VOM Concentration at Point i.

$$C_{Bj} = (C_j - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 4}$$

7.5 Average Background Concentration.

$$CB = \frac{\sum_{i=1}^{n} C_{BJ} A_i}{nA_N} \qquad \text{Eq. 5}$$

NOTE: If the concentration at each point is within 20 percent of the average concentration of all points, the terms "A_i" and "A_N" may be deleted from Equation 4.

Procedure F.2 - Fugitive VOM Emissions from Building Enclosures

1. INTRODUCTION

1.1 Applicability. This procedure is applicable for determining the fugitive volatile organic materials (VOM) emissions from a building enclosure (BE). It is intended to be used as a segment in the development of liquid/gas or gas/gas protocols for determining VOC capture efficiency (CE) for surface coating and printing operations.

1.2 Principle. The total amount of fugitive VOM emissions (F_B) from the BE is calculated as the sum of the products of the VOM content (C_{Fj}) of each fugitive emissions point, its flow rate (Q_{Fj}), at time (T_F).

1.3 Measurement Uncertainty. The measurement uncertainties are estimated for each fugitive emissions point as follows: Q_{Fj} = ±5.0 percent and C_{Fj} = ±5.0 percent. Based on these numbers, the probable uncertainty for F_B is estimated at about ±11.2 percent.

1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.

1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the

~~equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Gas VOM Concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:~~

~~2.1.1 Sample Probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOM condensation.~~

~~2.1.2 Calibration Valve Assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.~~

~~2.1.3 Sample Line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.~~

~~2.1.4 Sample Pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.~~

~~2.1.5 Sample Flow Rate Control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow rate control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.~~

~~2.1.6 Sample Gas Manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold must be heated to prevent condensation.~~

~~2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.1.7.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.2 Calibration Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.1.7.4 Response Time. Less than 30 seconds.~~

~~2.1.8 Integrator/Data Acquisition System. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement date. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.1.9 Calibration and Other Gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.1.9.2 Carrier Gas. High purity air with less than 1 ppm of organic material (propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.1.9.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.1.10 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust has particulate loading is significant. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.~~

~~2.2 Fugitive Emissions Volumetric Flow Rate.~~

~~2.2.1 Flow Direction Indicators. Any means of indicating inward or outward flow, such as light plastic film or paper streamers, smoke tubes, filaments, and sensory perception.~~

~~2.2.2 Method 2 or 2A Apparatus. For determining volumetric flow rate. Anemometers or similar devices calibrated according to the manufacturer's instructions may be used when low velocities are present. Vane anemometers (Young-maximum response propeller), specialized pilots with electronic manometers (e.g., Shortridge Instruments Inc., Airdata Multimeter 860) are commercially available with measurement thresholds of 15 and 8 mpm (50 and 25 fpm), respectively.~~

~~2.2.3 Method 3 Apparatus and Reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.~~

~~2.2.4 Method 4 Apparatus and Reagents. For determining moisture content, if necessary.~~

~~3. DETERMINATION OF VOLUMETRIC FLOW RATE OF FUGITIVE EMISSIONS~~

~~3.1 Preliminary Determinations. The purpose of this exercise is to determine which exhaust points should be measured for volumetric flow rates and VOM concentrations.~~

~~3.1.1 Forced Draft Openings. Identify all forced draft openings. Determine the volumetric flow rate according to Method 2.~~

~~3.1.2 NDO's Exhaust points. The NDO's in the roof of the building or room in which the emission unit is located are considered to be exhaust points. Determine volumetric flow rate from these NDO's. Divide the cross-sectional area according to Method 1 using 12 equal areas. Use the appropriate velocity measurement devices, e.g., propeller anemometers.~~

~~3.1.3 Other NDO's.~~

~~3.1.3.1 This step is optional. Determine the exhaust flow rate, including that of the control device, from the enclosure and the intake air flow rate. If the exhaust flow rate divided by the intake air flow rate is greater than 1.1, then all other NDO's are not considered to be significant exhaust points.~~

~~3.1.3.2 If the option above is not taken, identify all other NDO's and other potential points through which fugitive emissions may escape the enclosure. Then use the following criteria to determine whether flow rate and VOM concentrations need to be measured:~~

~~3.1.3.2.1 Using the appropriate flow direction indicator, determine the flow direction. An~~

~~NDO with zero or inward flow is not an exhaust point.~~

~~3.1.3.2.2 Measure the outward volumetric flow rate from the remainder of the NDO's. If the collective flow rate is 2 percent, or less, of the flow rate from Sections 3.1.1 and 3.1.2, then these NDO's, except those within two equivalent diameters (based on NDO opening) from a VOM emitting point, may be considered to be non-exhaust points.~~

~~3.1.3.2.3 If the percentage calculated in Section 3.1.3.2.2 is greater than 2 percent, those NDO's (except those within two equivalent diameters from a VOM emitting point) whose volumetric flow rate total 2 percent of the flow rate from Sections 3.1.1 and 3.1.2 may be considered as non-exhaust points. All remaining NDO's shall be measured for volumetric flow rate and VOC concentrations during the CE test.~~

~~3.1.3.2.4 The tester may choose to measure VOM concentrations at the forced exhaust points and the NDO's. If the total VOM emissions from the NDO's are less than 2 percent of the emissions from the forced draft and roof NDO's, then these NDO's may be eliminated from further consideration.~~

~~3.2 Determination of Flow Rates.~~

~~3.2.1 Measure the volumetric flow rate at all locations identified as exhaust points in Section 3.1. Divide each exhaust opening into 9 equal areas for rectangular openings and 8 for circular openings.~~

~~3.2.2 Measure the velocity at each site at least once every hour during each sampling run using Method 2 or 2A, if applicable, or using the low velocity instruments in Section 2.2.2.~~

~~4. DETERMINATION OF VOM CONTENT OF FUGITIVE EMISSIONS~~

~~4.1 Analysis Duration. Measure the VOM responses at each fugitive emission point during the entire test run or, if applicable, while the process is operating. If there are multiple emissions locations, design a sampling system to allow a single FIA to be used to determine the VOM responses at all sampling locations.~~

~~4.2 Gas VOM Concentration.~~

~~4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.3, respectively.~~

~~4.2.2 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct,~~

~~and is sealed tightly at the stack port connection.~~

~~4.2.3 Inject zero gas at the calibration valve assembly. Allow the measurement system response to reach zero. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.~~

~~4.2.4 Conduct a system check before and a system drift check after each sampling run according to the procedures in Sections 5.2 and 5.3. If the drift check following a run indicates unacceptable performance, the run is not valid. The tester may elect to perform drift checks during the run not to exceed one drift check per hour.~~

~~4.2.5 Verify that the sample lines, filter, and pump temperature are 120 ±5°C.~~

~~4.2.6 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the response measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurements.~~

~~4.3 Alternative Procedure. The direct interface sampling and analysis procedure described in Section 7.2 of Method 18 may be used to determine the gas VOM concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a~~

~~major change is made to the system.~~

~~5.2 Systems Drift Checks. Select the calibration gas that most closely approximates the concentration of the captured emissions for conducting the drift checks. Introduce th zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between th drift check measurement and the value obtained in Section 5.1 is less than 3 percent of the span value. Conduct a system drift check at the end of each run.~~

~~5.3 System Check. Inject the high range calibration gas at the inlet of the sampling probe and record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in Section 5.1 for the high range calibration gas. Conduct a system check before each test run.~~

~~5.4 Analysis Audit. Immediately before each test analyze an audit cylinder as described in Section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.~~

~~6. NOMENCLATURE~~

~~C_{DH} = average measured concentration for the drift check calibration gas, ppm propane;~~

~~C_{D0} = average system drift check concentration for zero concentration gas, ppm propane;~~

~~C_{Fj} = corrected average VOM concentration of fugitive emissions at point j, ppm propane;~~

~~C_H = actual concentration of the drift check calibration gas, ppm propane;~~

~~C_j = uncorrected average VOM concentration measured at point j, ppm propane;~~

~~F_B = total VOM content of fugitive emissions from the building, kg;~~

~~K_1 = 1.830×10^{-6} kg/ (m^3 ppm);~~

~~n = number of measurement points;~~

~~Q_{Fj} = average effluent volumetric flow rate corrected to standard comditions at fugitive~~

~~emissions point j, m^3/min;~~

~~T_F = total duration of capture efficiency sampling run, min.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Fugitive Emissions From the Building.~~

$$F_B = \sum_{j=1}^{n} C_{Fj} Q_{Fj} T_F K_1 \qquad \text{Eq. 1}$$

~~7.2 VOM Concentration of the Fugitive Emissions at Point j.~~

$$C_{Fj} = (C_j - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 2}$$

~~Procedure F.1 Fugitive VOM Emissions from Temporary Enclosures~~

~~1. INTRODUCTION~~

~~1.1 Applicability. This procedure is applicable for determining the fugitive volatile organic materials (VOM) emissions from a temporary total enclosure (TTE). It is intended to be used as a segment in the development of liquid/gas or gas/gas protocols for determining VOM capture efficiency (CE) for surface coating and printing operations.~~

~~1.2 Principle. The amount of fugitive VOM emissions (F) from the TTE is calculated as the sum of the products of the VOM content (C_{Fj}), the flow rate (Q_{Fj}), and the sampling time (T_F) from each fugitive emissions point.~~

~~1.3 Estimated Measurement Uncertainty. The measurement uncertainties are estimated for each fugitive emission point as follows: Q_{Fj}) = ± percent and CF_j = ±5.0 percent. Based on these numbers, the probable uncertainty for F is estimated at about ±7.4 percent.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All~~

~~gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Gas VOM Concentration. A schematic of the measurement system is shown in Figure 1. The main components are described below:~~

~~2.1.1 Sample Probe. Stainless steel, or equivalent. The probe shall be heated to prevent VOM condensation.~~

~~2.1.2 Calibration Valve Assembly. Three-way valve assembly at the outlet of sample probe to direct the zero and calibration gases to the analyzer. Other methods, such as quick-connect lines, to route calibration gases to the outlet of the sample probe are acceptable.~~

~~2.1.3 Sample Line. Stainless steel or Teflon tubing to transport the sample gas to the analyzer. The sample line must be heated to prevent condensation.~~

~~2.1.4 Sample Pump. A leak-free pump, to pull the sample gas through the system at a flow rate sufficient to minimize the response time of the measurement system. The components of the pump that contact the gas stream shall be constructed of stainless steel or Teflon. The sample pump must be heated to prevent condensation.~~

~~2.1.5 Sample Flow Rate Control. A sample flow rate control valve and rotameter, or equivalent, to maintain a constant sampling rate within 10 percent. The flow control valve and rotameter must be heated to prevent condensation. A control valve may also be located on the sample pump bypass loop to assist in controlling the sample pressure and flow rate.~~

~~2.1.6 Sample Gas Manifold. Capable of diverting a portion of the sample gas stream to the flame ionization analyzer (FIA), and the remainder to the bypass discharge vent. The manifold components shall be constructed of stainless steel or Teflon. If emissions are to be measured at multiple locations, the measurement system shall be designed to use separate sampling probes, lines, and pumps for each measurement location and a common sample gas manifold and FIA. The sample gas manifold and connecting lines to the FIA must be heated to prevent condensation.~~

~~2.1.7 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.1.7.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.2 Calibration Drift. Less than ±3.0 percent of the span value.~~

~~2.1.7.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.1.7.4 Response Time. Less than 30 seconds.~~

~~2.1.8 Integrator/Data Acquisition System. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.1.9 Calibration and Other Gases. Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from th certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.1.9.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2, gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.1.9.2 Carrier Gas. High purity air with less than 1 ppm of organic material (as propane or carbon equivalent) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.1.9.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.1.10 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust has particulate loading is significant. An out-of-stack filter must be heated to prevent any condensation unless it can be demonstrated that no condensation occurs.~~

~~2.2 Fugitive Emissions Volumetric Flow Rate.~~

~~2.2.1 Method 2 or 2A Apparatus. For determining volumetric flow rate.~~

~~2.2.2 Method 3 Apparatus and Reagents. For determining molecular weight of the gas stream. An estimate of the molecular weight of the gas stream may be used if it can be justified.~~

~~2.2.3 Method 4 Apparatus and Reagents. For determining moisture content, if necessary.~~

~~2.3 Temporary Total Enclosure. The criteria for designing a TTE are discussed in Procedure T.~~

~~3. DETERMINATION OF VOLUMETRIC FLOW RATE OF FUGITIVE EMISSIONS~~

~~3.1 Locate all points where emissions are exhausted from the TTE. Using Method 1, determine the sampling points. Be sure to check each site for cyclonic or swirling flow.~~

~~3.2 Measure the velocity at each sampling site at least once every hour during each sampling run using Method 2 or 2A.~~

~~4. DETERMINATION OF VOM CONTENT OF FUGITIVE EMISSIONS~~

~~4.1 Analysis Duration. Measure the VOM responses at each fugitive emission point during the entire test run or, if applicable, while the process is operating. If there are multiple emission locations, design a sampling system to allow a single FIA to be used to determine the VOM responses at all sampling locations.~~

~~4.2 Gas VOM Concentration.~~

~~4.2.1 Assemble the sample train as shown in Figure 1. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.3, respectively.~~

~~4.2.2 Install the sample probe so that the probe is centrally located in the stack, pipe, or duct, and is sealed tightly at the stack port connection.~~

~~4.2.3 Inject zero gas at the calibration valve assembly. Allow the measurement system response to reach zero. Measure the system response time as the time required for the system to reach the effluent concentration after the calibration valve has been returned to the effluent sampling position.~~

~~4.2.4 Conduct a system check before and a system drift check after each sampling run according to the procedures in Sections 5.2 and 5.3. If the drift check following a run indicates~~

~~unacceptable performance, the run is not valid. The tester may elect to perform system drift checks during the run not to exceed one drift check per hour.~~

~~4.2.5 Verify that the sample lines, filter, and pump temperatures are 120 ±5°C.~~

~~4.2.6 Begin sampling at the start of the test period and continue to sample during the entire run. Record the starting and ending times and any required process information as appropriate. If multiple emission locations are sampled using a single FIA, sample at each location for the same amount of time (e.g., 2 minutes) and continue to switch from one location to another for the entire test run. Be sure that total sampling time at each location is the same at the end of the test run. Collect at least 4 separate measurements from each sample point during each hour of testing. Disregard the response measurements at each sampling location until two times the response time of the measurement system has elapsed. Continue sampling for at least 1 minute and record the concentration measurement.~~

~~4.3 Background Concentration.~~

~~4.3.1 Determination of VOM Background Concentration.~~

~~4.3.1.1 Locate all NDO's of the TTE. A sampling point shall be centrally located outside of the TTE at 4 equivalent diameters from each NDO, if possible. If there are more than 6 NDO's, choose 6 sampling points evenly spaced among the NDO's.~~

~~4.3.1.2 Assemble the sample train as shown in Figure 2. Calibrate the FIA and conduct a system check according to the procedures in Sections 5.1 and 5.3.~~

~~4.3.1.3 Position the probe at the sampling location.~~

~~4.3.1.4 Determine the response time, conduct the system check and sample according to the procedures described in Sections 4.2.3 to 4.2.6.~~

~~4.4 Alternative Procedure. The direct interface sampling and analysis procedure described in Section 7.2 of Method 18 may be used to determine the gas VOM concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and~~

~~adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. Select the calibration gas concentration that most closely approximates that of the fugitive gas emissions to conduct the drift checks. Introduce the zero and calibration gas at the calibration valve assembly and verify that the appropriate gas flow rate and pressure are present at the FIA. Record the measurement system responses to the zero and calibration gases. The performance of the system is acceptable if the difference between the drift check measurement and the value obtained in Section 5.1 is less than 3 percent of the span value. Conduct a system drift check at the end of each run.~~

~~5.3 System Check. Inject the high range calibration gas at the inlet of the sampling probe and record the response. The performance of the system is acceptable if the measurement system response is within 5 percent of the value obtained in Section 5.1 for the high range calibration gas. Conduct a system check before each test run.~~

~~5.4 Analysis Audit. Immediately before each test analyze an audit cylinder as described in Section 5.2. The analysis audit must agree with the audit cylinder concentration within 10 percent.~~

~~6. NOMENCLATURE~~

~~A_i = area of NDO I, ft^2;~~

~~A_N = total area of all NDO's in the enclosure, ft^2;~~

~~C_{Bi} = corrected average VOM concentration of background emissions at point i, ppm propane;~~

~~C_B = average background concentration, ppm propane;~~

~~C_{DH} = average measured concentration for the drift check calibration gas, ppm propane;~~

~~C_{DO} = average system drift check concentration for zero concentration gas, ppm~~

~~propane;~~

~~C_{Fj} = corrected average VOM concentration of fugitive emissions at point j, ppm propane;~~

~~C_H = actual concentration of the drift check calibration gas, ppm propane;~~

~~C_i = uncorrected average background VOM concentration measured at point i, ppm propane;~~

~~C_j = uncorrected average VOM concentration measured at point j, ppm propane;~~

~~G = total VOM content of captured emissions, kg;~~

~~K_1 = 1.830×10^{-6} kg/ (m^3-ppm);~~

~~n = number of measurement points;~~

~~Q_{Fj} = average effluent volumetric flow rate corrected to standard conditions at captured emissions point j, m^3/min;~~

~~T_F = total duration of capture efficiency sampling run, min.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Fugitive Emissions.~~

$$\cancel{F = \sum_{j=1}^{n} (C_{Fj} - C_B)\, Q_{Fj}\, T_F\, K_1 \qquad \text{Eq. 1}}$$

~~7.2 VOM Concentration of the Fugitive Emissions at Point j.~~

$$\cancel{C_{Fj} = (C_j - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 2}}$$

~~7.3 Background VOM Concentration at Point i.~~

$$\cancel{C_{Bj} = (C_j - C_{D0}) \frac{C_H}{C_{DH} - C_{D0}} \qquad \text{Eq. 3}}$$

~~7.4 Average Background Concentration.~~

$$\cancel{CB = \frac{\sum_{i=1}^{n} C_{BI} A_i}{n A_N}} \qquad \cancel{\text{Eq. 5}}$$

~~NOTE: If the concentration at each point is within 20 percent of the average concentration of all points, the terms "A_i" and "A_N" may be deleted from Equation 4.~~

~~Procedure L – VOM Input~~

~~1. INTRODUCTION~~

~~1.1 Applicability. This procedure is applicable for determining the input of volatile organic materials (VOM). It is intended to be used as a segment in the development of liquid/gas protocols for determining VOM capture efficiency (CE) for surface coating and printing operations.~~

~~1.2 Principle. The amount of VOM introduced to the process (L) is the sum of the products of the weight (W) of each VOM containing liquid (ink, paint, solvent, etc.) used and its VOM content (V). A sample of each VOM containing liquid is analyzed with a flame ionization analyzer (FIA) to determine V.~~

~~1.3 Estimated Measurement Uncertainty. The measurement uncertainties are estimated for each VOM containing liquid as follows: W = ±2.0 percent and V = ±12.0 percent. Based on these numbers, the probable uncertainty for L is estimated at about ±12.2 percent for each VOM containing liquid.~~

~~1.4 Sampling Requirements. A capture efficiency test shall consist of at least three sampling runs. The sampling time for each run should be at least 8 hours, unless otherwise approved.~~

~~1.5 Notes. Because this procedure is often applied in highly explosive areas, caution and care should be exercised in choosing appropriate equipment and installing and using the equipment. Mention of trade names or company products does not constitute endorsement. All gas concentrations (percent, ppm) are by volume, unless otherwise noted.~~

~~2. APPARATUS AND REAGENTS~~

~~2.1 Liquid Weight.~~

~~2.1.1 Balances/Digital Scales. To weigh drums of VOC containing liquids to within 0.2 lb.~~

~~2.1.2 Volume Measurement Apparatus (Alternative). Volume meters, flow meters, density measurement equipment, etc., as needed to achieve same accuracy as direct weight measurements.~~

~~2.2 VOM Content (Flame Ionization Analyzer Technique). The liquid sample analysis system is shown in Figures 1 and 2. The following equipment is required:~~

~~2.2.1 Sample Collection Can. An appropriately sized metal can to be used to collect VOM containing materials. The can must be constructed in such a way that it can be grounded to the coating container.~~

~~2.2.2 Needle Valves. To control gas flow.~~

~~2.2.3 Regulators. For carrier gas and calibration gas cylinders.~~

~~2.2.4 Tubing. Teflon or stainless steel tubing with diameters and lengths determined by connection requirements of equipment. The tubing between the sample oven outlet and the FIA shall be heated to maintain a temperature of 120 ± 5°C.~~

~~2.2.5 Atmospheric Vent. A tee and 0- to 0.5-liter/min rotameter placed in the sampling line between the carrier gas cylinder and the VOC sample vessel to release the excess carrier gas. A toggle valve placed between the tee and the rotameter facilitates leak tests of the analysis system.~~

~~2.2.6 Thermometer. Capable of measuring the temperature of the hot water bath to within 1°C.~~

~~2.2.7 Sample Oven. Heated enclosure, containing calibration gas coil heaters, critical orifice, aspirator, and other liquid sample analysis components, capable of maintaining a temperature of 120 ±5°C.~~

~~2.2.8 Gas Coil Heaters. Sufficient lengths of stainless steel or Teflon tubing to allow zero and calibration gases to be heated to the sample oven temperature before entering the critical orifice or aspirator.~~

~~2.2.9 Water Bath. Capable of heating and maintaining a sample vessel temperature of 100 ±5° C.~~

~~2.2.10 Analytical Balance. To measure ±0.001 g.~~

~~2.2.11 Disposable Syringes. 2-cc or 5-cc.~~

~~2.2.12 Sample Vessel. Glass, 40-ml septum vial. A separate vessel is needed for each sample.~~

~~2.2.13 Rubber Stopper. Two-hole stopper to accommodate 3.2-mm (1/8-in) Teflon tubing, appropriately sized to fit the opening of the sample vessel. The rubber stopper should be wrapped in teflon tape to provide a tighter seal and to prevent any reaction of the sample with the rubber stopper. Alternatively, any leak-free closure fabricated of non-reactive materials and accommodating the necessary tubing fittings may be used.~~

~~2.2.14 Critical Orifices. Calibrated critical orifices capable of providing constant flow rates from 50 to 250 ml/min at known pressure drops. Sapphire orifice assemblies (available from O'Keefe Controls Company) and glass capillary tubing have been found to be adequate for this application.~~

~~2.2.15 Vacuum Gauge. 0- to 760-mm (0- to 30-in) Hg U-Tube manometer or vacuum gauge.~~

~~2.2.16 Pressure Gauge. Bourdon gauge capable of measuring the maximum air pressure at the aspirator inlet (e.g., 100 psig).~~

~~2.2.17 Aspirator. A device capable of generating sufficient vacuum at the sample vessel to create critical flow through the calibrated orifice when sufficient air pressure is present at the aspirator inlet. The aspirator must also provide sufficient sample pressure to operate the FIA. The sample is also mixed with the dilution gas within the aspirator.~~

~~2.2.18 Soap Bubble Meter. Of an appropriate size to calibrate the critical orifices in the system.~~

~~2.2.19 Organic Concentration Analyzer. An FIA with a span value of 1.5 times the expected concentration as propane; however, other span values may be used if it can be demonstrated that they would provide more accurate measurements. The system shall be capable of meeting or exceeding the following specifications:~~

~~2.2.19.1 Zero Drift. Less than ±3.0 percent of the span value.~~

~~2.2.19.2 Calibration Drift. Less than ±3.0 percent of span value.~~

~~2.2.19.3 Calibration Error. Less than ±5.0 percent of the calibration gas value.~~

~~2.2.20 Integrator/Data Acquisition System. An analog or digital device or computerized data acquisition system used to integrate the FIA response or compute the average response and record measurement data. The minimum data sampling frequency for computing average or integrated values is one measurement value every 5 seconds. The device shall be capable of recording average values at least once per minute.~~

~~2.2.21 Chart Recorder (Optional). A chart recorder or similar device is recommended to provide a continuous analog display of the measurement results during the liquid sample analysis.~~

~~2.2.22 Calibration and Other Gases. For calibration, fuel, and combustion air (if required) contained in compressed gas cylinders. All calibration gases shall be traceable to NIST standards and shall be certified by the manufacturer to ±1 percent of the tag value. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value. For calibration gas values not generally available, alternative methods for preparing calibration gas mixtures, such as dilution systems, may be used with prior approval.~~

~~2.2.22.1 Fuel. A 40 percent H_2/60 percent He or 40 percent H_2/60 percent N_2 gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.~~

~~2.2.22.2 Carrier Gas. High purity air with less than 1 ppm of organic material (as propane) or less than 0.1 percent of the span value, whichever is greater.~~

~~2.2.22.3 FIA Linearity Calibration Gases. Low-, mid-, and high-range gas mixture standards with nominal propane concentrations of 20-30, 45-55, and 70-80 percent of the span value in air, respectively. Other calibration values and other span values may be used if it can be shown that more accurate measurements would be achieved.~~

~~2.2.22.4 System Calibration Gas. Gas mixture standard containing propane in air, approximating the undiluted VOM concentration expected for the liquid samples.~~

~~3. DETERMINATION OF LIQUID INPUT WEIGHT~~

~~3.1 Weight Difference. Determine the amount of material introduced to the process as the weight difference of the feed material before and after each sampling run. In determining the total VOM containing liquid usage, account for: (a) the initial (beginning) VOM containing liquid mixture; (b) any solvent added during the test run; (c) any coating added during the test run; and (d) any residual VOM containing liquid mixture remaining at the end of the sample run.~~

~~3.1.1 Identify all points where VOM containing liquids are introduced to the process. To obtain an accurate measurement of VOM containing liquids, start with an empty fountain (if applicable). After completing the run, drain the liquid in the fountain back into the liquid drum (if possible), and weigh the drum again. Weigh the VOM containing liquids to ±0.5 percent of the total weight (full) or ±0.1 percent of the total weight of VOM containing liquid used during the sample run, whichever is less. If the residual liquid cannot be returned to the drum, drain the fountain into a preweighed empty drum to determine the final weight of the liquid.~~

~~3.1.2 If it is not possible to measure a single representative mixture, then weigh the various components separately (e.g., if solvent is added during the sampling run, weigh the solvent before it is added to the mixture). If a fresh drum of VOM containing liquid is needed during the run, then weigh both the empty drum and fresh drum.~~

~~3.2 Volume Measurement (Alternative). If direct weight measurements are not feasible, the tester may use volume meters and flow rate meters (and density measurements) to determine the weight of liquids used if it can be demonstrated that the technique produces results equivalent to the direct weight measurements. If a single representative mixture cannot be measured, measure the components separately.~~

~~4. DETERMINATION OF VOM CONTENT IN INPUT LIQUIDS~~

~~4.1 Collection of Liquid Samples.~~

~~4.1.1 Collect a 100-ml or larger sample of the VOM containing liquid mixture at each application location at the beginning and end of each test run. A separate sample should be taken of each VOM containing liquid added to the application mixture during the test run. If a fresh drum is needed during the sampling run, then obtain a sample from the fresh drum.~~

~~4.1.2 When collecting the sample, ground the sample container to the coating drum. Fill the sample container as close to the rim as possible to minimize the amount of headspace.~~

~~4.1.3 After the sample is collected, seal the container so the sample cannot leak out or evaporate.~~

~~4.1.4 Label the container to identify clearly the contents.~~

~~4.2 Liquid Sample VOM Content.~~

~~4.2.1 Assemble the liquid VOM content analysis system as shown in Figure 1.~~

~~4.2.2 Permanently identify all of the critical orifices that may be used. Calibrate each critical orifice under the expected operating conditions (i.e., sample vacuum and temperature) against a volume meter as described in Section 5.3.~~

~~4.2.3 Label and tare the sample vessels (including the stoppers and caps) and the syringes.~~

~~4.2.4 Install an empty sample vessel and perform a leak test of the system. Close the carrier gas valve and atmospheric vent and evacuate the sample vessel to 250 mm (10 in) Hg absolute or less using the aspirator. Close the toggle valve at the inlet to the aspirator and observe the vacuum for at least one minute. If there is any change in the sample pressure, release the vacuum, adjust or repair the apparatus as necessary and repeat the leak test.~~

~~4.2.5 Perform the analyzer calibration and linearity checks according to the procedure in Section 5.1. Record the responses to each of the calibration gases and the back-pressure setting of the FIA.~~

~~4.2.6 Establish the appropriate dilution ratio by adjusting the aspirator air supply or substituting critical orifices. Operate the aspirator at a vacuum of at least 25 mm (1 in) Hg heater than the vacuum necessary to achieve critical flow. Select the dilution ratio so that the maximum response of the FIA to the sample does not exceed the high-range calibration gas.~~

~~4.2.7 Perform system calibration checks at two levels by introducing compressed gases at the inlet to the sample vessel while the aspirator and dilution devices are operating. Perform these checks using the carrier gas (zero concentration) and the system calibration gas. If the response to the carrier gas exceeds ±0.5 percent of span, clean or repair the apparatus and repeat the check. Adjust the dilution ratio as necessary to achieve the correct response to the upscale check, but do not adjust the analyzer calibration. Record the identification of the orifice, aspiration air supply pressure, FIA back-pressure, and the responses of the FIA to the carrier and system calibration gases.~~

~~4.2.8 After completing the above checks, inject the system calibration gas for approximately 10 minutes. Time the exact duration of the gas injection using a stopwatch. Determine the area under the FIA response curve and calculate the system response factor based on the sample gas flow rate, gas concentration, and the duration of the injection as compared to the integrated response using Equations 2 and 3.~~

~~4.2.9 Verify that the sample oven and sample line temperatures are 120±5°C and that the water bath temperature is 100 ±5°C.~~

~~4.2.10 Fill a tared syringe with approximately 1 g of the VOM containing liquid and weigh it.~~

~~Transfer the liquid to a tared sample vessel. Plug the sample vessel to minimize sample loss. Weigh the sample vessel containing the liquid to determine the amount of sample actually received. Also, as a quality control check, weigh the empty syringe to determine the amount of material delivered. The two coating sample weights should agree within ±0.02 g. If not, repeat the procedure until an acceptable sample is obtained.~~

~~4.2.11 Connect the vessel to the analysis system. Adjust the aspirator supply pressure to the correct value. Open the valve on the carrier gas supply to the sample vessel and adjust it to provide a slight excess flow to the atmospheric vent. As soon as the initial response of the FIA begins to decrease, immerse the sample vessel in the water bath. (Applying heat to the sample vessel too soon may cause the FID response to exceed the calibrated range of the instrument, and thus invalidate the analysis.)~~

~~4.2.12 Continuously measure and record the response of the FIA until all of the volatile material has been evaporated from the sample and the instrument response has returned to the baseline (i.e., response less than 0.5 percent of the span value). Observe the aspirator supply pressure, FIA back-pressure, atmospheric vent, and other system operating parameters during the run; repeat the analysis procedure if any of these parameters deviate from the values established during the system calibration checks in Section 4.2.7. After each sample perform the drift check described in Section 5.2. If the drift check results are acceptable, calculate the VOM content of the sample using the equations in Section 7. Integrate the area under the FIA response curve, or determine the average concentration response and the duration of sample analysis.~~

~~5. CALIBRATION AND QUALITY ASSURANCE~~

~~5.1 FIA Calibration and Linearity Check. Make necessary adjustments to the air and fuel supplies for the FIA and ignite the burner. Allow the FIA to warm up for the period recommended by the manufacturer. Inject a calibration gas into the measurement system and adjust the back-pressure regulator to the value required to achieve the flow rates specified by the manufacturer. Inject the zero- and the high-range calibration gases and adjust the analyzer calibration to provide the proper responses. Inject the low- and mid-range gases and record the responses of the measurement system. The calibration and linearity of the system are acceptable if the responses for all four gases are within 5 percent of the respective gas values. If the performance of the system is not acceptable, repair or adjust the system and repeat the linearity check. Conduct a calibration and linearity check after assembling the analysis system and after a major change is made to the system.~~

~~5.2 Systems Drift Checks. After each sample, repeat the system calibration checks in Section 4.2.7 before any adjustments to the FIA or measurement system are made. If the zero or calibration drift exceeds ±3 percent of the span value, discard the result and repeat the analysis.~~

~~5.3 Critical Orifice Calibration.~~

~~5.3.1 Each critical orifice must be calibrated at the specific operating conditions that it will be used. Therefore, assemble all components of the liquid sample analysis system as shown in Figure 3. A stopwatch is also required.~~

~~5.3.2 Turn on the sample oven, sample line, and water bath heaters and allow the system to reach the proper operating temperature. Adjust the aspirator to a vacuum of 380 mm (15 in) Hg vacuum. Measure the time required for one soap bubble to move a known distance and record barometric pressure.~~

~~5.3.3 Repeat the calibration procedure at a vacuum of 406 mm (16 in) Hg and at 25 mm (1 in) Hg intervals until three consecutive determinations provide the same flow rate. Calculate the critical flow rate for the orifice in ml/min at standard conditions. Record the vacuum necessary to achieve critical flow.~~

~~6. NOMENCLATURE~~

~~A_L = area under the response curve of the liquid sample, area count;~~

~~A_S = area under the response curve of the calibration gas, area count;~~

~~C_S = actual concentration of system calibration gas, ppm propane;~~

~~K = 1.830×10^{-9} kg/ (ml-ppm);~~

~~L = total VOM content of liquid input, kg;~~

~~M_L = mass of liquid sample delivered to the sample vessel, g;~~

~~q = flow rate through critical orifice, ml/min;~~

~~RF = liquid analysis system response factor, g/area count;~~

~~T_S = total gas injection time for system calibration gas during integrator calibration, min;~~

~~V_{Fj} = final VOM fraction of VOM containing liquid j;~~

~~V_{Ij} = initial VOM fraction of VOM containing liquid j;~~

~~V_{Aj} = VOM fraction of VOM containing liquid j added during the run;~~

~~V = VOM fraction of liquid sample;~~

~~W_{Fj} = weight of VOM containing liquid j remaining at end of the run, kg;~~

~~W_{Ij} = weight of VOM containing liquid j at beginning of the run, kg;~~

~~W_{Aj} = weight of VOM containing liquid j added during the run, kg.~~

~~7. CALCULATIONS~~

~~7.1 Total VOM Content of the Input VOM Containing Liquid.~~

$$\cancel{L = \sum_{j=1}^{n} V_{Ij} W_{Ij} = V_{Fj} W_{Fj} + \sum_{j=1}^{n} V_{Aj} W_{Aj} \quad \frac{n}{R} \quad j=1} \qquad \text{Eq. 1}$$

~~7.2 Liquid Sample Analysis System Response Factor for Systems Using Integrators, Grams/Area Counts.~~

$$\cancel{C_{Bj} = \frac{C_S\, q\, T_S\, K}{A_S}} \qquad \text{Eq. 2}$$

~~7.3 VOM Content of the Liquid Sample.~~

$$\cancel{V = \frac{A_L\, RF}{M_L}} \qquad \text{Eq. 3}$$

~~Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure~~

~~1. INTRODUCTION~~

~~1.1 Applicability. This procedure is used to determine whether a permanent or temporary enclosure meets the criteria of a total enclosure.~~

~~1.2 Principle. An enclosure is evaluated against a set of criteria. If the criteria are met and if all the exhaust gases are ducted to a control device, then the volatile organic materials (VOM)~~

~~capture efficiency (CE) is assumed to be 100 percent and CE need not be measured. However, if part of the exhaust gas stream is not ducted to a control device, CE must be determined.~~

~~2. DEFINITIONS~~

~~2.1 Natural Draft Opening (NDO) – Any permanent opening in the enclosure that remains open during operation of the emission unit and is not connected to a duct in which a fan is installed.~~

~~2.2 Permanent Total Enclosure (PTE) – A permanently installed enclosure that completely surrounds an emission unit such that all VOM emissions are captured and contained for discharge through a control device.~~

~~2.3 Temporary Total Enclosure (TTE) – A temporarily installed enclosure that completely surrounds an emission unit such that all VOM emissions are captured and contained for discharge through ducts that allow for the accurate measurement of VOM rates.~~

~~3. CRITERIA OF A TEMPORARY TOTAL ENCLOSURE~~

~~3.1 Any NDO shall be at least 4 equivalent opening diameters from each VOM emitting point.~~

~~3.2 Any exhaust point from the enclosure shall be at least 4 equivalent Duct or hood diameters from each NDO.~~

~~3.3 The total area of all NDO's shall not exceed 5 percent of the surface area of the enclosure's four walls, floor, and ceiling.~~

~~3.4 The average facial velocity (FV) of air through all NDO's shall be at least 3,600 m/hr (200 fpm). The direction of air through all NDO's shall be into the enclosure.~~

~~3.5 All access doors and windows whose areas are not included in Section 3.3 and are not included in the calculation in Section 3.4 shall be closed during routine operation of the emission unit.~~

~~4. CRITERIA OF A PERMANENT TOTAL ENCLOSURE~~

~~4.1 Same as Sections 3.1 and 3.3 - 3.5.~~

~~4.2 All VOM emissions must be captured and contained for discharge through a control~~

~~device.~~

~~5. PROCEDURE~~

~~5.1 Determine the equivalent diameters of the NDO's and determine the distances from each VOM emitting point to all NDO's. Determine the equivalent diameter of each exhaust duct or hood and its distance to all NDO's. Calculate the distances in terms of equivalent diameters. The number of equivalent diameters shall be at least 4.~~

~~5.2 Measure the total area (A_t) of the enclosure and the total area (A_N) of all NDO's of the enclosure. Calculate the NDO to enclosure area ratio (NEAR) as follows:~~

$$\text{NEAR} = A_N/A_t$$

~~The NEAR must be <0.05.~~

~~5.3 Measure the volumetric flow rate, corrected to standard conditions, of each gas stream exiting the enclosure through an exhaust duct or hood using EPA Method 2. In some cases (e.g., when the building is the enclosure), it may be necessary to measure the volumetric flow rate, corrected to standard conditions, of each gas stream entering the enclosure through a forced makeup air duct using Method 2. Calculate FV using the following equation:~~

$$\text{FV} = [Q_O - Q_I]/A_N$$

~~where:~~

~~Q_O = the sum of the volumetric flow from all gas streams exiting the enclosure through an exhaust duct or hood.~~

~~Q_I = the sum of the volumetric flow from all gas streams into the enclosure through a forced makeup air duct; zero, if there is no forced makeup air into the enclosure.~~

~~A_N = total area of all NDO's in enclosure.~~

~~The FV shall be at least 3,600 m/hr (200 fpm).~~

~~5.4 Verify that the direction of air flow through all NDO's is inward. Use streamers, smoke tubes, tracer gases, etc. Strips of plastic wrapping film have been found to be effective. Monitor the direction of air flow at intervals of at least 10 minutes for at least 1 hour.~~

~~6. QUALITY ASSURANCE~~

~~6.1 The success of this protocol lies in designing the TTE to simulate the conditions that exist without the TTE, i.e., the effect of the TTE on the normal flow patterns around the affected emission unit or the amount of fugitive VOM emissions should be minimal. The TTE must enclose the application stations, coating reservoirs, and all areas from the application station to the oven. The oven does not have to be enclosed if it is under negative pressure. The NDO's of the temporary enclosure and a fugitive exhaust fan must be properly sized and placed.~~

~~6.2 Estimate the ventilation rate of the TTE that best simulates the conditions that exist without the TTE, i.e., the effect of the TTE on the normal flow patterns around the affected emission unit or the amount of fugitive VOM emissions should be minimal. Figure 1 may be used as an aid. Measure the concentration (C_G) and flow rate (Q_G) of the captured gas stream, specify a safe concentration (C_F) for the fugitive gas stream, estimate the CE, and then use the plot in Figure 1 to determine the volumetric flowrate of the fugitive gas stream (Q_F). A fugitive VOM emission fan that has a variable flow control is desirable.~~

~~6.2.1 Monitor the concentration of VOM into the capture device without the TTE. To minimize the effect of temporal variation on the captured emissions, the baseline measurement should be made over as long a time period as practical. However, the process conditions must be the same for the measurement in Section 6.2.3 as they are for this baseline measurement. This may require short measuring times for this quality control check before and after the construction of the TTE.~~

~~6.2.2 After the TTE is constructed, monitor the VOM concentration inside the TTE. This concentration shall not continue to increase and must not exceed the safe level according to OSHA requirements for permissible exposure limits. An increase in VOM concentration indicates poor TTE design or poor capture efficiency.~~

~~6.2.3 Monitor the concentration of VOM into the capture device with the TTE. To limit the effect of the TTE on the process, the VOM concentration with and without the TTE must be within ±10 percent. If the measurements do not agree, adjust the ventilation rate from the TTE until they agree within 10 percent.~~

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Mental Health Services in Nursing Facilities

2) Code Citation: 89 Ill. Adm. Code 145

3) Section Number: 145.10 Proposed Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: This proposed amendment relates to the demonstration project for mental health services in nursing facilities. This project was established in 2002 to evaluate the treatment of persons with severe mental illness who reside in nursing facilities called Institutions for Mental Disease (IMDs) and to evaluate standards and payment methods that are specific to the needs of facilities specializing in serving persons with mental disease. The Department is currently working with the long term care industry to develop an appropriate reimbursement methodology for IMDs using the Illinois Minimum Data Set-Mental Health. Because of this, the proposed amendment is necessary to extend the original expiration date of June 30, 2005 for the demonstration project to June 30, 2007. Related changes are also being proposed at 89 Ill. Adm. Code 147.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.

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:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor

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Springfield, Illinois 62763-0002

(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Nursing facilities that are designated as Class I Institutions for Mental Disease.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 145
MENTAL HEALTH SERVICES IN NURSING FACILITIES

SUBPART A: DEMONSTRATION PROJECT FOR
MENTAL HEALTH SERVICES IN NURSING FACILITIES

Section
145.10 General Provisions

SUBPART B: INSTITUTION FOR MENTAL DISEASES PROVISIONS
FOR NURSING FACILITIES

Section
145.20 General Provisions
145.30 Definitions
145.40 Initial IMD Review, Determination and Classification of Facilities
145.50 Subsequent IMD Reviews, Determinations and Classifications
145.60 Effect of Becoming a Class II IMD and Redetermination Reviews
145.70 Watch List of Nursing Facilities at Risk of Becoming IMDs
145.80 Reimbursement Rate for IMD Nursing Facility Classifications
145.90 Reviews

AUTHORITY: Sections 5-5.5 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/5-5.5 and 12-13]

SOURCE: Adopted at 26 Ill. Reg. 3081, effective February 15, 2002; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: DEMONSTRATION PROJECT FOR
MENTAL HEALTH SERVICES IN NURSING FACILITIES

Section 145.10 General Provisions

a) This Section is promulgated to establish a demonstration project for nursing facilities that primarily serve persons with severe mental illness. The Department intends to evaluate the results of the demonstration project at the end of three years. General applicability of the provisions of this Subpart will depend upon

the findings of the evaluation. It is the Department's intent to make the project a standard category of service after reviewing the results of the evaluation. Section 1905(a)(16) and Section 1905(a)(27)(b) of the Social Security Act provide that federal financial participation (FFP) is not available for medical assistance under Title XIX for services provided to any individual who is under 65 years of age and who is a resident in an institution for mental diseases (IMD) unless the payment is for inpatient psychiatric services for individuals under 21 years of age. In some Illinois nursing facilities, a very high proportion of residents are not elderly and have a severe mental illness. The purpose of the demonstration project is to allow nursing facilities to specialize in the treatment of persons with severe mental illness and focus their resources on providing psychiatric rehabilitation services rather than on meeting requirements designed primarily for elderly and medically impaired residents. The demonstration project will focus upon evaluating standards and payment methods specific to the needs of facilities specializing in serving persons with mental illness. The facilities in the demonstration project will serve as sites for examining service models appropriate for the mentally ill population in a long term care setting. They will also serve as sites for comparing costs for the numbers and credentials of staff appropriate for the physically, medically ill population. The cost information evaluated from the demonstration project will be used by the Department to develop a payment rule for services provided by a nursing facility to residents who have a serious mental illness as required by 305 ILCS 5/5-5.5(d). The demonstration~~Demonstration~~ project shall be in effect until June 30, 2007~~2005~~. The Department shall evaluate the demonstration project and report to the Illinois General Assembly regarding its findings and recommendations by December 31, 2004.

b) For the purposes of this Part, "severe mental illness" is defined as the presence of a major disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1400 K Street NW, Washington, DC 20005 (1994, no later amendments or editions included)), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A severe mental illness is determined by all of the following three areas:

1) Diagnoses that constitute a severe mental illness are:

A) Schizophrenia,

B) Delusional disorder,

C) Schizo-affective disorder,

D) Psychotic disorder not otherwise specified,

E) Bipolar disorder I – mixed, manic, and depressed,

F) Bipolar disorder II,

G) Cyclothymic disorder,

H) Bipolar disorder not otherwise specified,

I) Major Depression, recurrent,

J) Psychotic disorder, not otherwise specified.

2) In addition, the individual must be 18 years of age or older and be substantially functionally limited by mental illness in at least two of the following areas:

A) Self-maintenance,

B) Social functioning,

C) Community living activities,

D) Work related skills.

3) Finally, the disability must be of an extended duration, expected to be present for at least a year, that results in a substantial limitation in major life activities. These individuals will typically also have one of the following characteristics:

A) Have experienced two or more psychiatric hospitalizations;

B) Receive Social Security Income (SSI) or Social Security Disability Income (SSDI) due to mental illness or have been deemed eligible for it.

c) In order to be eligible to enter the demonstration project, a nursing facility must meet each of the following criteria:

1) Ninety percent or more of the residents have a diagnosis of severe mental illness;

2) No more than 15 percent of the residents are 65 years of age or older;

3) None of the residents has a primary diagnosis of moderate, severe, or profound mental retardation;

4) None of the residents requires medical or nursing care at a level higher than the intermediate nursing care light level of care as defined in 77 Ill. Adm. Code 300.1230(n); and

5) The facility must be in good standing with the Departments of Public Aid and Public Health.

d) Nursing facilities that meet the criteria set forth in subsection (c) of this Section may apply to the Department to be considered for participation in the demonstration project. In selecting facilities for the demonstration project, the Department shall consider other factors beyond the criteria in subsection (c) of this Section such as, but not limited to, the facility's history of compliance with all applicable State and federal standards and the effect of lost federal funds associated with withdrawal from certification. The Department will enter into provider agreements with those facilities selected for the demonstration project. No more than 12 facilities shall be admitted to the demonstration project.

e) Nursing facilities participating in the demonstration project must comply with the standards set forth in 77 Ill. Adm. Code 300.6000 through 300.6095. Based on a finding of noncompliance by the Department of Public Health on the part of a nursing facility participating in the demonstration project with any requirement set forth in 77 Ill. Adm. Code 300.6000 through 300.6095, the Department may impose sanctions as set forth in 89 Ill. Adm. Code 147.301 after notice to the facility.

f) Notwithstanding any other provisions contained in the Administrative Code requiring certification of nursing facilities, nursing facilities participating in the demonstration project are not required to be certified for Title XIX participation in order to enroll for participation in the Medical Assistance Program or to receive payment for services.

g) The Department shall not pay for any new admissions to the nursing facilities participating in the demonstration project of residents who:

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1) Are age 60 years or older;

2) Do not have a severe mental illness as determined by the State's mental health pre-admission screening program; or

3) Require medical or nursing care at a level higher than the intermediate nursing care light level of care as defined in 77 Ill. Adm. Code 300.1230(n).

h) The Departments of Public Aid and Public Health, and the Department of Human Services, Office of Mental Health, shall have the right of entry and inspection of any nursing facilities participating in the demonstration project to determine success and utility of the demonstration project.

i) The Department shall provide technical assistance to nursing facilities participating in the demonstration project to assist them in meeting the standards set forth in 77 Ill. Adm. Code 300.6000 through 300.6095.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

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1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

2) Code Citation: 89 Ill. Adm. Code 147

3)

Section Numbers:	Proposed Action:
147.125	Amendment
147.150	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments relate to the demonstration project for mental health services in nursing facilities. This project was established in 2002 to evaluate the treatment of persons with severe mental illness who reside in nursing facilities called Institutions for Mental Disease (IMDs) and to evaluate standards and payment methods that are specific to the needs of facilities specializing in serving persons with mental disease.

The reimbursement methodology based on the federally required Minimum Data Set (MDS) for nursing facilities is set to be implemented on July 1, 2005. Currently, this methodology would also include Class I IMDs. However, the Department is working with the long term care industry to develop an appropriate reimbursement methodology for IMDs using the Illinois Minimum Data Set-Mental Health (IL MDS-MH). The proposed changes to Section 147.125 exclude Class I IMDs from the MDS methodology until a new rate system can be implemented using the IL MDS-MH. Further changes require Class I IMDs to begin electronically submitting the IL MDS-MH, and the federally required MDS, to the Department for use in the development of the new rate system.

Proposed changes to Section 147.150 provide that the nursing rate in effect on June 30, 2005 for Class I IMDs shall remain in effect until a payment methodology using the IL MDS-MH is implemented . The new methodology shall be implemented no later than July 1, 2007.

Related changes are also being proposed at 89 Ill. Adm. Code 145.

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

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

8) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.

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:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Nursing facilities classified as Class I IMDs will be affected.

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

C) Types of professional skills necessary for compliance: None

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13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section
147.5 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
147.15 Comprehensive Resident Assessment (Repealed)
147.25 Functional Needs and Restorative Care (Repealed)
147.50 Service Needs (Repealed)
147.75 Definitions (Repealed)
147.100 Reconsiderations (Repealed)
147.105 Midnight Census Report
147.125 Nursing Facility Resident Assessment Instrument
147.150 Minimum Data Set (MDS) Based Reimbursement System
147.175 Minimum Data Set (MDS) Integrity
147.200 Basic Rehabilitation Aide Training Program (Repealed)
147.205 Nursing Rates (Repealed)
147.250 Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
147.300 Payment to Nursing Facilities Serving Persons with Mental Illness
147.301 Sanctions for Noncompliance
147.305 Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
147.310 Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)
147.315 Comprehensive Functional Assessments and Reassessments (Repealed)
147.320 Interdisciplinary Team (IDT) (Repealed)
147.325 Comprehensive Program Plan (CPP) (Repealed)
147.330 Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)
147.335 Specialized Care – Behavioral Emergencies (Repealed)
147.340 Discharge Planning (Repealed)
147.345 Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness (Repealed)
147.350 Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing

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Facilities

147.TABLE A	Staff Time (in Minutes) and Allocation by Need Level
147.TABLE B	Staff Time and Allocation for Restorative Programs (Repealed)
147.TABLE C	Comprehensive Resident Assessment (Repealed)
147.TABLE D	Functional Needs and Restorative Care (Repealed)
147.TABLE E	Service (Repealed)
147.TABLE F	Social Services (Repealed)
147.TABLE G	Therapy Services (Repealed)
147.TABLE H	Determinations (Repealed)
147.TABLE I	Activities (Repealed)
147.TABLE J	Signatures (Repealed)
147.TABLE K	Rehabilitation Services (Repealed)
147.TABLE L	Personal Information (Repealed)

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January

25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 147.125 Nursing Facility Resident Assessment Instrument

a) Except as specified in subsection (b) of this Section, all Medicaid certified nursing facilities shall comply with the provisions of the current federal Long Term Care Resident Assessment Instrument User's Manual, version 2. (Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (December 2002). This incorporation by reference includes no~~any~~ later amendments or editions.)

b) Nursing facilities shall, in addition, comply with the following requirements:

1) Complete a full Minimum Data Set (MDS) for each resident quarterly, regardless of the resident's payment source. Facilities are not required to complete and submit the MDS Quarterly Assessment Form. When completing the full MDS for quarterly submittal to the Department, it is not necessary to also complete the Resident Assessment Protocols (RAPs) or Sections T and U. RAPs and Sections T and U shall only be completed at admission, annually, for a significant change or for a significant correction of a prior MDS.

2) Transmit electronically to the State MDS database the MDS for all assessments within 31 days after the completion date of the assessment. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, the~~The~~ rate set will be based on the MDS received two quarters prior to the rate effective date and MDS not received within 31 days will be given a default rate.

c) While a new rate system referenced in Section 147.150 is under development, Medicaid-certified Class I IMDs shall electronically submit both the MDS pursuant to subsections (a) and (b) of this Section and the Illinois Minimum Data

Set-Mental Health (IL MDS-MH) as specified by the Department at the following frequencies:

1) Complete a full IL MDS-MH within 14 days after admission for each resident, regardless of the resident's payment source.

2) Complete a full IL MDS-MH at 90 days after admission for each resident, regardless of the resident's payment source.

3) Complete a full IL MDS-MH at six months after admission for each resident, regardless of the resident's payment source, and every six months thereafter.

4) Transmit electronically to the Department's IL MDS-MH database, the IL MDS-MH for all required assessments within 31 days after the completion date of the assessment.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 147.150 Minimum Data Set (MDS) Based Reimbursement System

a) Public Act 92-0848 requires the Department to implement, effective July 1, 2003, a payment methodology for the nursing component of the rate paid to nursing facilities. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, reimbursement~~Reimbursement~~ for the nursing ~~this~~ component shall be calculated using the Minimum Data Set (MDS). Increased reimbursement under this payment methodology shall be paid only if specific appropriation for this purpose is enacted by the General Assembly. For Class I IMDs, the nursing component shall be the rate in effect on June 30, 2005 until a payment methodology using the Illinois Minimum Data Set-Mental Health (IL MDS-MH), appropriate for the care needs of the IMD resident population, is implemented. The payment methodology using the IL MDS-MH shall be implemented no later than July 1, 2007.

b) The nursing component of the rate shall be calculated annually and may be adjusted quarterly. The determination of rates shall be based upon a composite of MDS data collected from each eligible resident in accordance with Section 147.Table A for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period

as present in the facility on the last day of the second quarter preceding the rate period. Residents for whom MDS resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter, shall be placed in the lowest MDS acuity level for calculation purposes for that quarter. The nursing component of the rate may be adjusted on a quarterly basis if any of the following conditions are met:

1) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time calculated for the previous rate quarter by more than five percent.

2) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds:

A) total variable nursing time as calculated for the annual rate period by more than ten percent;

B) total variable nursing time as recalculated and adjusted for the annual period by more than five percent.

3) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section declines from the total variable nursing time as calculated for the annual period by more than five percent. No quarterly nursing component rate reduction shall exceed five percent from the previous rate quarter.

c) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.

1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Section 147.Table A). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated

to each staff type. When a service can be provided by either a registered nurse (RN) or licensed practical nurse (LPN) , the wage used will be weighted by the average mix of RNs and LPNs in the sample of facilities used to set rates. In calculating a facility's rate, the figures used by the Department for wages will be determined in the following manner:

A) The mean wages for the applicable staff levels (RNs, LPNs, certified nursing assistants (CNAs), activity staff, social workers), as reported on the cost reports and determined by regional rate area, will be the mean wages.

B) Fringe benefits will be the average percentage of benefits to actual salaries of all nursing facilities based upon cost reports filed pursuant to 89 Ill. Adm. Code 140.543. Fringe benefits will be added to the mean wage.

C) The base wage, including fringe benefits, will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected base wage changes.

D) Special minimum wage factor. The process used in subsection (c)(1)(A) of this Section to determine regional mean wages for RNs, LPNs and CNAs will include a minimum wage factor. For those facilities below 90% of the Statewide average, the wage is replaced by 90% of the Statewide average.

E) On July 1 of each year beginning July 1, 2003, the base wage calculated in subsection (c)(1)(C) of this Section shall be multiplied by a ratio:

i) The numerator of which is the quotient obtained by dividing the amounts estimated by the Department to be available in the rate period for the nursing component of the rate Statewide by the Department's estimate of the number of patient days Statewide for the rate period eligible for reimbursement from the Department.

ii) The denominator of which shall be the mean Statewide base rate per patient day.

2) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave, and holidays will be determined by multiplying the total of Variable Time by 5%.

3) Special Supplies, Consultants and the Director of Nursing. Reimbursement will be made for health care and program supplies, consultants required by the Department of Public Health (including the Medical Director), and the Director of Nursing by applying a factor to variable time and vacation, sick leave and holiday time. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).

A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). Health care and program salaries shall be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for supplies will be the Statewide mean of the ratio of total facility health care and programs supply costs to total facility health care and programs salaries.

B) The Director of Nursing and the consultants will be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for the Director of Nursing and consultant costs shall be the Statewide mean of the ratio of all facilities Director of Nursing and consultant costs to total facility health care and programs salaries.

C) These costs shall be updated pursuant to cost reports as referenced in 89 Ill. Adm. Code 153.125(f).

d) Determination of Facility Rates.
An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection (c)(1) of this Section), adding the amounts for vacation, sick and holiday time (see subsection (c)(2) of this Section), and supplies, consultants, and the Director of Nursing (see subsection (c)(3) of this Section). The average of the rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.

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e) A transition period from the payment methodology in effect on June 30, 2003, to the payment methodology in effect July 1, 2003, shall be provided for a period not exceeding June 30, 2005, as follows:

1) MDS-based rate adjustments under this Section shall not be effective until the attainment of a threshold. The threshold shall be attained at the earlier of either:

A) when all nursing facilities have established a rate (sum of all components) which is no less than the rate effective June 30, 2002, or

B) July 1, 2005.

2) For a facility that would receive a lower nursing component rate per resident day under the payment methodology effective July 1, 2003, than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be held at the level in effect on June 30, 2003, until a higher nursing component rate of reimbursement is achieved by that facility.

3) For a facility that would receive a higher nursing component rate per resident day under the payment methodology in effect on July 1, 2003, than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be adjusted based on the payment methodology in effect July 1, 2003.

4) Notwithstanding subsections (e)(2) and (3) of this Section, the nursing component rate per resident day for the facility shall be adjusted in accordance with subsection (c)(1)(E) of this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3)

Section Numbers:	Proposed Action:
148.105	Amendment
148.295	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments concerning Hospital Services pertain to psychiatric adjustment payments and Critical Hospital Adjustment Payments (CHAP). The changes are necessary to provide additional funding for inpatient psychiatric services and CHAP and thereby assure continued access to essential psychiatric care and other medical services.

These proposed changes are expected to result in an additional annual expenditure of approximately $1.2 million for psychiatric adjustment payments and $1.8 million for CHAP.

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

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

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.85	Amendment	February 4, 2005; 29 Ill. Reg. 1782
148.90	Amendment	February 4, 2005; 29 Ill. Reg. 1782
148.95	Amendment	February 4, 2005; 29 Ill. Reg. 1782
148.100	Amendment	February 4, 2005; 29 Ill. Reg. 1782
148.103	Amendment	February 4, 2005; 29 Ill. Reg. 1782
148.110	Amendment	February 4, 2005; 29 Ill. Reg. 1782
148.112	Amendment	February 4, 2005; 29 Ill. Reg. 1782
148.295	Amendment	February 18, 2005; 29 Ill. Reg. 2654

10) Statement of Statewide Policy Objectives: The proposed rulemaking does not affect units of local government.

DEPARTMENT OF PUBLIC AID

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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:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed rulemaking on the Internet at http://www.dpaillinois.com/publicnotice/. Access to the Internet is available through any local public library. In addition, the proposed rulemaking may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the proposed rulemaking may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Suite 10-300, Chicago, Illinois. The proposed rulemaking may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals will be affected.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: The proposed rulemaking was not included on either of the two most recent agendas because: This

rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section
148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.85 Supplemental Tertiary Care Adjustment Payments
148.90 Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95 Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100 Outpatient Rural Hospital Adjustment Payments
148.103 Outpatient Service Adjustment Payments
148.105 Psychiatric Adjustment Payments
148.110 Psychiatric Base Rate Adjustment Payments
148.112 High Volume Adjustment Payments
148.115 Rural Adjustment Payments
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.122 Medicaid Percentage Adjustments
148.126 Safety Net Adjustment Payments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a

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Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991, Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments
148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payments (CHAP)
148.296 Tertiary Care Adjustment Payments
148.297 Pediatric Outpatient Adjustment Payments
148.298 Pediatric Inpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions (Repealed)
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390 Hearings

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NOTICE OF PROPOSED AMENDMENTS

148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section
148.500 Definitions
148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section
148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
148.630 Criteria and Information Required to Establish Eligibility
148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg.

131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency

amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005;

emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. _____, effective _____.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.105 Psychiatric Adjustment Payments

a) Qualifying Criteria
Psychiatric Adjustment Payments shall be made to a qualifying hospital, as defined in this subsection (a). A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria as of July 1, 2002:

1) The hospital is located in Illinois; is a general acute care hospital with a distinct part unit as defined in 89 Ill. Adm. Code 149.50(d)(1) enrolled with the Department to provide inpatient psychiatric services; has a current psychiatric care per diem rate less than the statewide psychiatric distinct part unit average default rate; is located outside of HSA 6; and has a MIUR as described in subsection (e)(5) of this Section that is greater than 60 percent.

2) The hospital is located in Illinois; is a general acute care hospital with a distinct part unit as defined in 89 Ill. Adm. Code 149.50(d)(1) enrolled with the Department to provide inpatient psychiatric services; has a current psychiatric care per diem rate less than the statewide psychiatric distinct part unit average default rate; is located outside of HSA 6; has a MIUR as described in subsection (e)(5) that is greater than 20 percent; has greater than 325 total licensed beds as described in subsection (e)(2) of this Section; and has a psychiatric occupancy rate described in subsection (e)(4) of this Section that is greater than 50 percent.

3) The hospital is located in Illinois; is a general acute care hospital with a distinct part unit as defined in 89 Ill. Adm. Code 149.50(d)(1) enrolled with the Department to provide inpatient psychiatric services; has a current psychiatric care per diem rate less than the statewide psychiatric distinct part unit average default rate; is located outside of HSA 6; has a MIUR as described in subsection (e)(5) of this Section that is greater than 15 percent; has greater than 500 total licensed beds as described in subsection (e)(2) of this Section; has a psychiatric occupancy rate as described in subsection (e)(4) of this Section that is greater than 35

percent; and has total licensed psychiatric beds described in subsection (e)(3) of this Section that is greater than 50.

4) The hospital is located in Illinois; is a general acute care hospital with a distinct part unit as defined in 89 Ill. Adm. Code 149.50(d)(1) enrolled with the Department to provide inpatient psychiatric services; has a current psychiatric care per diem rate less than the statewide psychiatric distinct part unit average default rate; is located outside of HSA 6; has a MIUR as described in subsection (e)(5) of this Section that is greater than 19 percent; has less than 275 total licensed beds as described in subsection (e)(2) of this Section; has fewer than 1,000 total psychiatric care days as described in subsection (e)(8) of this Section; has 40 or fewer total licensed psychiatric beds as described in subsection (e)(3) of this Section; has greater than 6,000 total days as described in subsection (e)(9) of this Section.

5) The hospital is located in Illinois; is a general acute care hospital with a distinct part unit as defined in 89 Ill. Adm. Code 149.50(d)(1) enrolled with the Department to provide inpatient psychiatric services; has a current psychiatric care per diem rate less than the statewide psychiatric distinct part unit average default rate; is located outside of HSA 6; has 50 or more total licensed psychiatric beds as described in subsection (e)(3) of this Section; and has a psychiatric occupancy rate described in subsection (e)(4) of this Section that is greater than 60 percent.

b) The following five classes of hospitals are ineligible for Psychiatric Adjustment Payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4) of this Section:

1) Hospitals located outside of Illinois.

2) Hospitals located inside HSA 6.

3) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).

4) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).

5) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3).

c) Psychiatric Adjustment Payment Rates

1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is $63.00.

2) For a hospital qualifying under subsection (a)(2) of this Section that:

A) Has less than 10,000 total days, the rate is $78.00.

B) Has equal to or greater than 10,000 total days, the rate is $125.00.

3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is $21.00.

4) For a hospital qualifying under subsection (a)(4) of this Section, the rate is $38.00.

5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is $140.00

d) Payment to a Qualifying Hospital

1) The total annual adjustment amount to a qualifying hospital shall be the product of the appropriate psychiatric adjustment payment rate, as described in subsection (c) of this Section, multiplied by total days as described in subsection (e)(9) of this Section.

2) The total annual adjustment amount shall be paid to the hospital during the Psychiatric Adjustment Payment period in installments on, at least, a quarterly basis.

e) Definitions

1) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.

2) "Total licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".

3) "Licensed psychiatric beds" means, for a given hospital, the number of psychiatric licensed beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".

4) "Psychiatric occupancy rate" means, for a given hospital, the psychiatric hospital occupancy rate as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".

5) "MIUR" for a given hospital, has the meaning as defined in Section 148.120(k)(5), and shall be determined in accordance with Sections 148.120(c) and (f). For purposes of this rulemaking, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment Payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for Psychiatric Adjustment Payments in the Psychiatric Adjustment Payment Period.

6) "Psychiatric Adjustment Payment base year" means the 12-month period beginning on July 1, 2000, and ending on June 30, 2001.

7) "Psychiatric Adjustment Payment period" means, beginning October 1, 2002, the nine month period beginning October 1 and ending June 30 of the following year, and beginning July 1, 2003, the 12 month period beginning July 1 of the year and ending June 30 of the following year.

8) "Total psychiatric care days" means, for a given hospital, the sum of days of inpatient psychiatric care, as defined in Section 148.40(a), provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the Psychiatric Adjustment Payment base year that were adjudicated by the Department through June 30, 2001.

9) "Total days" means, for a given hospital, the sum of days of inpatient hospital services provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals

eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the Psychiatric Adjustment Payment base year that were adjudicated by the Department through June 30, 2001.

10) "Psychiatric care average length of stay" means the quotient of the fraction, the numerator of which is the number of psychiatric care days in the Psychiatric Adjustment Payment base year, the denominator of which is the number of admissions in the Psychiatric Adjustment Payment base year.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

a) Trauma Center Adjustments (TCA)
The Department shall make a TCA to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) of this Section.

1) Level I Trauma Center Adjustment.

A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:

i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all

hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $21,365.00 per Medicaid trauma admission in the CHAP base period.

ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $14,165.00 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period.

3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.

b) Rehabilitation Hospital Adjustment (RHA)
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities

(CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive $4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $229,360.00 in the CHAP rate period.

B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $527,528.00 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive $276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories:

A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:

i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;

ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or

iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.

B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.

C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.

D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.

E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.

F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999, and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.

G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999, that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999, and provided 75 or more Alzheimer days for patients diagnosed as having the disease.

H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.

2) DHA Rates

A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:

i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive $69.00 per day for hospitals that do not provide obstetrical care and $105.00 per day for hospitals that do provide obstetrical care.

ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive $105.00 per day for hospitals that do not provide obstetrical care and $142.00 per day for hospitals that do provide obstetrical care.

iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive $124.00 per day for hospitals that do

not provide obstetrical care and $160.00 per day for hospitals that do provide obstetrical care.

iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive $142.00 per day for hospitals that do not provide obstetrical care and $179.00 per day for hospitals that do provide obstetrical care.

B) Hospitals qualifying under subsection (c)(1)(A) of this Section will also receive the following rates:

i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by $455.00 per day.

ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by $330.00 per day.

iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional $423.00 per day.

iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by $101.00 per day.

v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional $194.00 per day.

vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by $147.00 per day.

vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by $41.00 per day.

viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999, will have their rate increased by $227.00 per day.

ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by $182.25 per day.

x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by $281.00~~$202.00~~ per day.

xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by $98.00 per day.

C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:

i) Qualifying hospitals will receive a rate of $421.00 per day.

ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by $369.00 per day.

D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:

i) Hospitals will receive a rate of $28.00 per day.

ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by $55.00 per day.

iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by $573.00 per day.

iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by $32.00 per day for hospitals that have fewer than 4,000 Total days; or $246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or

$178.00 per day for hospitals that have more than 8,000 Total days.

v) Hospitals with more than 3,200 Total admissions will have their rate increased by $248.00 per day.

E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:

i) Hospitals will receive a rate of $41.00 per day.

ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional $14.00 per day.

iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional $87.00 per day.

iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional $41.00 per day.

F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive $188.00 per day.

G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of $55.00 per day.

H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:

i) Hospitals with an MIUR greater than 19.75 percent will receive a rate of $69.00 per day.

ii) Hospitals with an MIUR equal to or less than 19.75 percent will receive a rate of $11.00 per day.

I) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of $268.00 per day.

J) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.

3) DHA Payments

A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.

B) Payment rates will be multiplied by the Total days.

C) Total Payment Adjustments

i) For the CHAP rate period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period April 1, 2004, to June 30, 2004, payment will equal the State fiscal year 2004 amount less the amount the hospital received under DHA for the quarters ending September 30, 2003, December 31, 2003, and March 31, 2004.

ii) For CHAP rate periods occurring after State fiscal year 2004, total payments will equal the methodologies described in subsection (c)(2) of this Section.

d) Rural Critical Hospital Adjustment Payments (RCHAP)
RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive $367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsection at a rate that is the greater of:

1) the product of $1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or

2) the product of $138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

e) Total CHAP Adjustments
Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.

f) Critical Hospital Adjustment Limitations
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

g) Critical Hospital Adjustment Payment Definitions
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.

2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996, CHAP rate period; etc.

3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.

4) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus

the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.

5) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.

8) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.

9) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0

through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

11) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

12) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.

13) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

14) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

15) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a

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5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Hospital Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 152

3)

Section Numbers:	Proposed Action:
152.150	Amendment
152.200	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide changes concerning outlier adjustment payments for exceptionally costly stays provided by hospitals. Under these changes, which are applicable to hospitals reimbursed on a per diem basis and under the Diagnosis Related Grouping (DRG) Prospective Payment System (PPS), the hospital outlier calculation methodology is being revised to slow the growth of anticipated future reimbursement for outlier adjustments and thereby control spending. A net reduction in current funding levels is not expected. This cost saving reform, which is a component of the Fiscal Year 2006 budget, is expected to result in a savings to the Department of approximately $40 million.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.

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:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

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(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments on the Internet at http://www.dpaillinois.com/publicnotice/. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Suite 10-300, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded Hospitals will be affected.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
HOSPITAL REIMBURSEMENT CHANGES

Section
152.100 Reimbursement Add-on Adjustments (Repealed)
152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
152.200 Non-DRG Reimbursement Methodologies
152.250 Appeals (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16153, effective November 26, 1997; emergency amendment at 25 Ill. Reg. 218, effective January 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6966, effective May 28, 2001; emergency amendment at 25 Ill. Reg. 16122, effective December 3, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7309, effective April 29, 2002; amended at 29 Ill. Reg. _____, effective _____.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in subsections (b) and (c) of this Section will be effective January 18, 1994.

b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as

described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).

c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect hereafter.

d) For hospital inpatient services rendered on or after July 1, 1995, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.

e) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 149 (DRG PPS), the changes described in this subsection (e) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 149.105 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

f) Notwithstanding the provisions of 89 Ill. Adm. Code 149, ~~for admissions on or after December 3, 2001,~~ payment for outlier cases pursuant to 89 Ill. Adm. Code 149.105 shall be determined by using the following factors that were in effect on June 30, 1995:

1) The marginal cost factor (see 89 Ill. Adm. Code 149.5(c)(4)),

2) The Metropolitan Statistical Area (MSA) wage index (see 89 Ill. Adm. Code 148.120(b)),

3) The Indirect Medical Education (IME) factor (see 89 Ill. Adm. Code 148.260(a)(1)(B)(iv)),

4) The cost to charge ratio (see 89 Ill. Adm. Code 149.105(c)(3)), and

5) Outlier Threshold~~The cost outlier threshold (see 89 Ill. Adm. Code 149.5(e)(5)) multiplied by 1.22.~~

A) For admissions on December 3, 2001 through June 30, 2005, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c) (5)) multiplied by 1.22.

B) For admissions on or after July 1, 2005, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.40.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 152.200 Non-DRG Reimbursement Methodologies

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in subsection (b) of this Section will be effective January 18, 1994.

b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994, less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect hereafter.

c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 148, Hospital Services, and 89 Ill. Adm. Code 146, Subpart A, Ambulatory Surgical Treatment Centers, the changes described in this subsection (c) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services and ambulatory surgical treatment services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 148.130 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

d) Notwithstanding the provisions of subsections (a), (b) and (c) of this Section, ~~for admissions on or after December 3, 2001,~~ payment for outlier adjustments provided for exceptionally costly stays pursuant to 89 Ill. Adm. Code 148.130 shall be determined using the following factors:~~factor 0.22 in place of the factor 0.25 described at 89 Ill. Adm. Code 148.130(b)(3)(D).~~

1) For admissions on December 3, 2001 through June 30, 2005, a factor of 0.22 in place of the factor 0.25 described at 89 Ill. Adm.Code

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148.130(b)(3)(D).

2) For admissions on or after July 1, 2005, a factor of 0.20 in place of the factor 0.22 as described in subsection (d)(1) of this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Postsurgical Recovery Care Center Demonstration Program Code

2) Code Citation: 77 Ill. Adm. Code 210

3) Section Number: 210.2250 — Proposed Action: Amendment

4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

5) A complete description of the subjects and issues: Section 210.2250 is being amended to replace the existing text with a requirement that facilities comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955) (adopted at 28 Ill. Reg. 14133, effective October 15, 2004).

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

8) Does this rulemaking contain any incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

11) Time, place, and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

DEPARTMENT OF PUBLIC HEALTH

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Springfield, Illinois 62761

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

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: postsurgical recovery care center demonstration programs

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 210
POSTSURGICAL RECOVERY CARE CENTER DEMONSTRATION PROGRAM CODE

Section

210.1000 Definitions
210.1050 Referenced Materials
210.1100 Demonstration Program Elements
210.1200 Application for and Issuance of a License to Operate a Postsurgical Recovery Care Center Model
210.1300 Obligations and Privileges of Postsurgical Recovery Care Center Models
210.1400 Inspections and Investigations
210.1500 Notice of Violation and Plan of Correction
210.1600 Adverse Licensure Action
210.1700 Admission Practices
210.1800 Approval of Protocols for the Admission of Postsurgical Patients
210.1900 Standards of Professional Practice
210.2000 Length of Stay
210.2100 Patient's Rights
210.2200 Personnel
210.2250 Health Care Worker Background Check
210.2300 Patient Care
210.2400 Infection Control
210.2500 Laboratory, Pharmacy and Radiological Services
210.2600 Records and Reports
210.2700 Transfer Agreement
210.2800 Food Service
210.2900 Physical Plant
210.3000 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 18 Ill. Reg. 15284, effective October 15, 1994; amended at 23 Ill. Reg. 12456, effective October 15, 1999; amended at 24 Ill. Reg. 14037, effective August 31, 2000; amended at 26 Ill. Reg. 11965, effective July 31, 2002; emergency amendment at 27 Ill. Reg.

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7888, effective April 30, 2003, for a maximum of 150 days; emergency expired September 26, 2003; amended at 27 Ill. Reg. 18037, effective November 12, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 210.2250 Health Care Worker Background Check

A facility shall comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

~~a) The facility shall not *knowingly hire any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of* the following *offenses* (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):~~

~~1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));~~

~~2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));~~

~~3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));~~

~~4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));~~

~~5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-~~

~~20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));~~

~~6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));~~

~~7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));~~

~~8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));~~

~~9) Criminal sexual assault or criminal sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));~~

~~10) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));~~

~~11) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));~~

~~12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));~~

~~13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill.~~

~~Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));~~

~~14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));~~

~~15) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));~~

~~16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));~~

~~17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));~~

~~18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);~~

~~19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));~~

~~20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));~~

~~21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));~~

~~22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars.~~

~~152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));~~

~~23) Armed violence – elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));~~

~~24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));~~

~~25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));~~

~~26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or~~

~~27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407, and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).~~

~~b) The facility shall not *knowingly employ or retain any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) to (27) of this Section *unless the applicant, employee* or employer *obtains a waiver pursuant to* this Section. (Section 25(a) of the Health Care Worker Background Check Act)~~

~~c) *A* facility *shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the* facility *becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in* subsections (a)(1) to (27) of this Section, *as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a* facility *has an obligation to conduct a criminal history records check in other states in which an employee has resided.* (Section 25(b) of the Act)~~

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d) For the purpose of this Section:

1) "*Applicant" means an individual seeking employment with a* facility *who has received a bona fide conditional offer of employment.*

2) *"Conditional offer of employment" means a bona fide offer of employment by a* facility *to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses* listed in subsections (a)(1) to (27) of this Section.

3) *"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.*

4) *"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee.* (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:

1) The employee's assigned job responsibilities as set forth in the employee's job description;

2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.

f) When the facility *makes a conditional offer of employment to an applicant* who is not exempt under subsection (w) of this Section, *for a position with duties that involve direct care for residents,* the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility *must initiate or have initiated on* its *behalf a UCIA criminal history record check for that applicant.* (Section 30(c) of the Health Care Worker Background Check Act)

~~g)~~ ~~The facility *shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.* (Section 15 of the Health Care Worker Background Check Act)~~

~~h)~~ ~~The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.~~

~~i)~~ ~~*The request for a UCIA criminal history record check shall be* made as *prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever* a non-fingerprint-based UCIA criminal history record *check is made:*~~

~~1)~~ ~~*That the* facility *shall request or have requested on its behalf* a non-fingerprint-based *UCIA criminal history record check pursuant to* the Health Care Worker Background Check *Act.*~~

~~2)~~ ~~*That the applicant or employee has a right to obtain a copy of the criminal records report from the* facility, *challenge the accuracy and completeness of the report, and request a waiver* in accordance with of this Section.~~

~~3)~~ ~~*That the applicant, if hired conditionally, may be terminated if the* non-fingerprint-based *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) to (27) of this Section *unless the applicant's identity is validated and it is determined that the applicant* or employee *does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to* subsection (k) of this Section.~~

~~4)~~ ~~*That the applicant, if not hired conditionally, shall not be hired if the* non-fingerprint-based *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) to (27) of this Section *unless the applicant's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section.~~

~~5)~~ ~~*That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) to (27) of this Section~~

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unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A facility *may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check.* (Section 30(g) of the Health Care Worker Background Check Act)

k) *An applicant or employee whose* non-fingerprint-based *UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) to (27) of this Section *may request that the* facility *or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police.* (Section 35 of the Health Care Worker Background Check Act)

l) *A* facility *having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days* after *acquiring that knowledge. The* facility *may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received.* (Section 30(d) of the Health Care Worker Background Check Act)

m) *An applicant, employee* or employer *may request a waiver* to subsection (a), (b) or (c) of this Section *by submitting the following to* the Department *within five working days after the receipt of the criminal records report:*

1) A completed *fingerprint-based UCIA criminal records check* form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) *The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by* subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

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~~o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:~~

~~1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and~~

~~2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.~~

~~p) The Department *may grant a waiver based on mitigating circumstances, which may include:*~~

~~1) *The age of the individual at which the crime was committed;*~~

~~2) *The circumstances surrounding the crime;*~~

~~3) *The length of time since the conviction;*~~

~~4) *The applicant's or employee's criminal history since the conviction;*~~

~~5) *The applicant's or employee's work history;*~~

~~6) *The applicant's or employee's current employment references;*~~

~~7) *The applicant's or employee's character references;*~~

~~8) *Nurse Aide Registry records; and*~~

~~9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents.*, which may include, but is not limited to the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in~~

~~other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)~~

~~q)~~ ~~Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:~~

~~1)~~ ~~Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;~~

~~2)~~ ~~Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;~~

~~3)~~ ~~More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;~~

~~4)~~ ~~Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;~~

~~5)~~ ~~Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;~~

~~6)~~ ~~More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.~~

~~r)~~ ~~Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:~~

~~1)~~ ~~Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);~~

~~2)~~ ~~Murder, homicide, manslaughter, or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9.3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);~~

~~3) Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);~~

~~4) Aggravated battery, heinous battery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);~~

~~5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1);~~

~~6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);~~

~~7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);~~

~~8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);~~

~~9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);~~

~~10) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);~~

~~11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and~~

~~12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).~~

~~s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), *based on mitigating circumstances* (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)~~

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~~t)~~ ~~*An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with*~~ ~~subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)~~

~~u)~~ ~~*A*~~ ~~facility~~ ~~*is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver.*~~ ~~(Section 40(f) of the Health Care Worker Background Check Act)~~

~~v)~~ ~~A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:~~

~~1)~~ ~~certified court records;~~

~~2)~~ ~~written verification from the State's Attorney's office that prosecuted the conviction at issue;~~

~~3)~~ ~~written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;~~

~~4)~~ ~~a signed affidavit from the individual concerning the validity of the report; or~~

~~5)~~ ~~documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.~~

~~w)~~ ~~This Section~~ ~~*shall not apply to:*~~

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~~1) *An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;*~~

~~2) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or*~~

~~3) *A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents.* (Section 20 of the Health Care Worker Background Check Act)~~

~~x) *The* facility *must send a copy of the results of the UCIA* criminal history *record check to the State Nurse Aide Registry* for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.~~

~~y) *The* facility *shall retain on file for a period of 5 years records of criminal records requests for all employees. The* facility *shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the* Department. *A fine of $500* shall *be imposed for failure to maintain these records.* (Section 50 of the Health Care Worker Background Check Act)~~

~~z) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Community-Based Residential Rehabilitation Center Demonstration Program Code

2) Code Citation: 77 Ill. Adm. Code 220

3) Section Number: 220.2800 — Proposed Action: Amendment

4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

5) A complete description of the subjects and issues: Section 220.2800 is being amended to replace the existing text with a requirement that facilities comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955) (adopted at 28 Ill. Reg. 14133, effective October 15, 2004).

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

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

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

8) Does this rulemaking contain any incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, place, and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health

DEPARTMENT OF PUBLIC HEALTH

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535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

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

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: community-based residential rehabilitation center demonstration programs

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 220
COMMUNITY-BASED RESIDENTIAL REHABILITATION CENTER
DEMONSTRATION PROGRAM CODE

Section
220.1000 Definitions
220.1050 Referenced Materials
220.1100 Demonstration Program Elements
220.1200 Application for and Issuance of a License to Operate a Community-Based Residential Rehabilitation Center Model
220.1300 Obligations and Privileges of Community-Based Residential Rehabilitation Center Models
220.1400 Inspections and Investigations
220.1500 Notice of Violation and Plan of Correction
220.1600 Adverse Licensure Action
220.1700 Policies and Procedures
220.1800 Admission Practices
220.1900 Participant Assessment
220.2000 Individual Rehabilitation Plan
220.2100 Participant Rights
220.2200 Participant Care and Treatment Services
220.2300 Participant Record Requirements
220.2400 Residential Services
220.2500 Medication Administration
220.2600 Discharge and Follow-up Practices
220.2700 Personnel
220.2800 Health Care Worker Background Check
220.2900 Food Service
220.3000 Physical Plant
220.3100 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 24 Ill. Reg. 6675, effective April 25, 2000; amended at 26 Ill. Reg. 11969, effective July 31, 2002; emergency amendment at 27 Ill. Reg. 7904, effective April 30,

2003, for a maximum of 150 days; emergency expired September 26, 2003; amended at 28 Ill. Reg. 2240, effective January 26, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 220.2800 Health Care Worker Background Check

A facility shall comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

~~a) The Model shall not *knowingly hire any individual in a position with duties involving direct care for* participants if that person *has been convicted of committing or attempting to commit one or more of* the following *offenses* (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]). The Model shall initiate background checks within six months after licensure of the Model for persons who were employed at the time of licensure.~~

~~1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));~~

~~2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));~~

~~3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));~~

~~4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));~~

~~5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-~~

~~20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));~~

~~6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));~~

~~7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));~~

~~8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));~~

~~9) Criminal sexual assault or criminal sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));~~

~~10) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));~~

~~11) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));~~

~~12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));~~

~~13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of~~

~~the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));~~

~~14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));~~

~~15) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));~~

~~16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));~~

~~17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));~~

~~18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);~~

~~19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));~~

~~20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));~~

~~21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));~~

~~22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev.~~

~~Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));~~

~~23) Armed violence – elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));~~

~~24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));~~

~~25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));~~

~~26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or~~

~~27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).~~

~~b) The Model shall not *knowingly employ or retain any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) to (27) of this Section *unless the applicant, employee* or employer *obtains a waiver pursuant to* this Section. (Section 25(a) of the Health Care Worker Background Check Act)~~

~~c) *The* Model *shall not hire, employ, or retain any individual in a position with duties involving direct care of participants if the* Model *becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in* subsection (a) of this Section, *as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed to mean that the* Model *has an obligation to conduct a criminal history records*~~

~~*check in other states in which an employee has resided.* (Section 25(b) of the Health Care Worker Background Check Act)~~

~~d) For the purpose of this Section:~~

~~1) *"Applicant" means an individual seeking employment with a* Model *who has received a bona fide conditional offer of employment.*~~

~~2) *"Conditional offer of employment" means a bona fide offer of employment by a* Model *to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses* listed in subsection (a) of this Section.~~

~~3) *"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs.*~~

~~4) *"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee.* (Section 15 of the Health Care Worker Background Check Act)~~

~~e) For purposes of the Health Care Worker Background Check Act, the Model shall establish a policy defining which employees provide direct care. In making this determination the Model shall consider the following:~~

~~1) The employee's assigned job responsibilities as set forth in the employee's job description;~~

~~2) Whether the employee is required to or has the opportunity to be alone with participants, with the exception of infrequent or unusual occasions;~~

~~3) Whether more than 50 percent of the employee's responsibilities include physical contact with participants, for example to provide therapy or to draw blood.~~

~~f) When the Model *makes a conditional offer of employment to an applicant* who is not exempt under subsection (w) of this Section, *for a position with duties that involve direct care for residents*, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check~~

has not been conducted within the last 12 months, the Model *must initiate or have initiated on* its *behalf a UCIA criminal history record check for that applicant.* (Section 30(c) of the Health Care Worker Background Check Act)

g) *The* Model *shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.* (Section 15 of the Health Care Worker Background Check Act)

h) The Model may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (e) of this Section.

i) *The request for a UCIA criminal history record check shall be* made as *prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a* non-fingerprint-based UCIA criminal history record *check is made*:

1) *That* the Model *shall request or have requested on its behalf a* non-fingerprint-based *UCIA criminal history record check pursuant* to the Health Care Worker Background Check Act.

2) *That the applicant or employee has a right to obtain a copy of the criminal records report from the* health care employer, *challenge the accuracy and completeness of the report, and request a waiver* in accordance with this Section.

3) *That the applicant, if hired conditionally, may be terminated if the* non-fingerprint-based *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* subsection (a) of this Section *unless the applicant's identity is validated and it is determined that the applicant* or employee *does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to* subsection (k) of this Section.

4) *That the applicant, if not hired conditionally, shall not be hired if the* non-fingerprint-based *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* subsection (a) of this Section *unless the applicant's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section.

5) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in* subsection (a) of this Section *unless the employee's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) *A* Model *may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check.* (Section 30(g) of the Health Care Worker Background Check Act)

k) *An applicant or employee whose* non-fingerprint-based *UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses* listed in subsection (a) of this Section *may request that the* Model *or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police.* (Section 35 of the Health Care Worker Background Check Act)

l) *A* Model *having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of* the *Act must initiate a fingerprint-based background check within 10 working days* after *acquiring that knowledge. The* Model *may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received.* (Section 30(d) of the Health Care Worker Background Check Act)

m) *An applicant, employee* or employer *may request a waiver* to subsection (a) or (b) of this Section *by submitting the following to* the Department *within five working days after the receipt of the criminal records report:*

1) A completed *fingerprint-based UCIA criminal records check* form (Section 40(a) of the Health Care Worker Background Check Act) that the Department will forward to the Department of State Police; and

2) A certified check, money order or facility check made payable to the State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

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~~n) The Department *may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by* subsection (m) above. (Section 40(a-5) of the Health Care Worker Background Check Act)~~

~~o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:~~

~~1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and~~

~~2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.~~

~~p) The Department *may grant a waiver based on mitigating circumstances, which may include*:~~

~~1) *The age of the individual at which the crime was committed*;~~

~~2) *The circumstances surrounding the crime*;~~

~~3) *The length of time since the conviction*;~~

~~4) *The applicant's or employee's criminal history since the conviction;*~~

~~5) *The applicant's or employee's work history;*~~

~~6) *The applicant's or employee's current employment references;*~~

~~7) *The applicant's or employee's character references*;~~

~~8) *Nurse Aide Registry records; and*~~

~~9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of* residents, which may include, but is not limited to the applicant's or~~

~~employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)~~

~~q)~~ ~~Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:~~

~~1)~~ ~~Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;~~

~~2)~~ ~~Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;~~

~~3)~~ ~~More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;~~

~~4)~~ ~~Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;~~

~~5)~~ ~~Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;~~

~~6)~~ ~~More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.~~

~~r)~~ ~~Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:~~

~~1)~~ ~~Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);~~

~~2)~~ ~~Murder, homicide, manslaughter, or concealment of a homicidal death~~

~~(Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);~~

~~3) Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);~~

~~4) Aggravated battery, heinous battery or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and12-4.7]);~~

~~5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13,12-14, and 12-14.1]);~~

~~6) riminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);~~

~~7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);~~

~~8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);~~

~~9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);~~

~~10) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);~~

~~11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and~~

~~12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).~~

~~s) The Director of Public Health may grant a waiver to an individual who does not~~

~~meet the requirements of subsection (o), (q), or (r), *based on mitigating circumstances* (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)~~

~~t) *An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check,* the Model *may continue to employ the individual in a direct care position if the individual presents convincing evidence to* the Model *that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with* subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)~~

~~u) A Model *is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver*. (Section 40(f) of the Health Care Worker Background Check Act)~~

~~v) A Model may retain the individual in a direct care position if the individual presents clear and convincing evidence to the Model that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not limited to:~~

~~1) Certified court records;~~

~~2) Written verification from the State's Attorney's office that prosecuted the conviction at issue;~~

~~3) Written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;~~

~~4) A signed affidavit from the individual concerning the validity of the report; or~~

~~5) Documentation from a local law enforcement agency that the individual~~

was not convicted of a disqualifying crime.

w) This Section *shall not apply to*:

1) *An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;*

2) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State*; or

3) *A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents.* (Section 20 of the Health Care Worker Background Check Act)

x) *An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to* January 1, 1998. *This subsection applies only to persons employed prior to* January 1, 1998. *Any person newly employed on or after* January 1, 1998 *must receive a background check as required by Section 30* of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

y) *The* facility *must send a copy of the results of the UCIA* criminal history *record check to the State Nurse Aide Registry* for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

z) *The* Model *shall retain on file for a period of 5 years records of criminal records requests for all employees. The* Model *shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the* Department. *A fine of $500* shall *be imposed for failure to maintain these records.* (Section 50 of the Health Care Worker Background Check Act)

aa) The Model shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location

~~accessible to the Department.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Alzheimer's Disease Management Center Demonstration Program Code

2) Code Citation: 77 Ill. Adm. Code 225

3) Section Number: 225.1050 — Proposed Action: Amendment

4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

5) A complete description of the subjects and issues: Section 225.1050 is being amended to replace the existing text with a requirement that facilities comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955) (adopted at 28 Ill. Reg. 14133).

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

8) Does this rulemaking contain any incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate.

11) Time, place, and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

DEPARTMENT OF PUBLIC HEALTH

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Springfield, Illinois 62761

782-2043
e-mail: rules@idph.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Alzheimer's disease management center demonstration programs

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 225
ALZHEIMER'S DISEASE MANAGEMENT CENTER
DEMONSTRATION PROGRAM CODE

SUBPART A: GENERAL PROVISIONS

Section
225.100 Definitions
225.200 Incorporated and Referenced Materials
225.300 Demonstration Program Elements
225.400 Application for and Issuance of a License to Operate an Alzheimer's Disease Management Center Model
225.500 Obligations and Privileges of Alzheimer's Disease Management Center Models
225.600 Inspections and Investigations
225.700 Notice of Violation and Plan of Correction
225.800 Adverse Licensure Action
225.900 Waivers

SUBPART B: POLICIES

Section
225.1000 Policies and Procedures
225.1010 Admission, Transfer and Discharge Policies
225.1020 Medical Care Policies
225.1030 Personnel Policies
225.1040 Health Evaluations for Employees
225.1050 Health Care Worker Background Check
225.1060 Disaster Preparedness
225.1070 Restraints
225.1080 Abuse and Neglect

SUBPART C: PERSONNEL

Section
225.2000 General Requirements
225.2010 Staff Training

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225.2020 Nursing Assistants

SUBPART D: RESIDENT CARE SERVICES

Section
225.3000 Resident Assessment
225.3010 Resident Comprehensive Care Plan
225.3020 Resident Care and Treatment Services
225.3030 Activity Program
225.3040 Volunteer Program
225.3050 Residential Services
225.3060 Medication Administration

SUBPART E: RESIDENTS' RIGHTS

Section
225.4000 Residents' Rights

SUBPART F: RESIDENT RECORDS

Section
225.5000 Resident Record Requirements

SUBPART G: FOOD SERVICE

Section
225.6000 Director of Food Services
225.6010 Meal Planning
225.6020 Menus and Food Records
225.6030 Diet Orders

SUBPART H: PHYSICAL PLANT

Section
225.7000 Codes and Standards
225.7010 Site
225.7020 Administration and Public Areas
225.7030 Nursing Units
225.7040 Dining, Living, and Activities Rooms
225.7050 Therapy and Personal Care Rooms

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225.7060 Service Departments

SUBPART I: FACILITY DESIGN AND CONSTRUCTION

Section
225.8000 Applicability
225.8010 General Building Requirements
225.8020 Structural Requirements
225.8030 Mechanical Systems
225.8040 Plumbing Systems
225.8050 Electrical Systems

SUBPART J: QUALITY ASSESSMENT AND IMPROVEMENT

Section
225.9000 Quality Assessment and Improvement

225.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 26 Ill. Reg. 4712, effective March 31, 2002; emergency amendment at 27 Ill. Reg. 7920, effective April 30, 2003, for a maximum of 150 days; emergency expired September 26, 2003; amended at 27 Ill. Reg. 18053, effective November 12, 2003; amended at 29 Ill. Reg. _____, effective _____.

SUBPART B: POLICIES

Section 225.1050 Health Care Worker Background Check

A facility shall comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

~~a) The facility shall not *knowingly hire any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of* the following *offenses* (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):~~

~~1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]~~

~~(formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));~~

~~2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));~~

~~3) Kidnapping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));~~

~~4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));~~

~~5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));~~

~~6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));~~

~~7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));~~

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8) ~~Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));~~

9) ~~Criminal sexual assault or criminal sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));~~

10) ~~Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));~~

11) ~~Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));~~

12) ~~Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));~~

13) ~~Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));~~

14) ~~Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));~~

15) ~~Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));~~

16) ~~Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));~~

~~17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));~~

~~18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);~~

~~19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));~~

~~20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));~~

~~21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));~~

~~22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));~~

~~23) Armed violence – elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));~~

~~24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));~~

~~25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));~~

~~26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS~~

~~550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 ½, pars. 705, 705.1, 705.2, 707, and 709)); or~~

~~27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407, and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 ½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).~~

~~b) The facility shall not *knowingly employ or retain any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) to (27) of this Section *unless the applicant, employee* or employer *obtains a waiver pursuant to* this Section. (Section 25(a) of the Health Care Worker Background Check Act)~~

~~c) *A* facility *shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the* facility *becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in* subsections (a)(1) to (27) of this Section, *as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a* facility *has an obligation to conduct a criminal history records check in other states in which an employee has resided.* (Section 25(b) of the Health Care Worker Background Check Act)~~

~~d) For the purpose of this Section:~~

~~1) *"Applicant" means an individual seeking employment with a* facility *who has received a bona fide conditional offer of employment.*~~

~~2) *"Conditional offer of employment" means a bona fide offer of employment by a* facility *to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses* listed in subsections (a)(1) to (27) of this Section.~~

~~3) *"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.*~~

4) *"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee.* (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination, the facility shall consider the following:

1) The employee's assigned job responsibilities as set forth in the employee's job description;

2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.

f) When the facility *makes a conditional offer of employment to an applicant* who is not exempt under subsection (w) of this Section, *for a position with duties that involve direct care for residents*, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility *must initiate or have initiated on* its *behalf a UCIA criminal history record check for that applicant.* (Section 30(c) of the Health Care Worker Background Check Act)

g) The facility *shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.* (Section 15 of the Health Care Worker Background Check Act)

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) *The request for a UCIA criminal history record check shall be* made as *prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever* a non-fingerprint-based UCIA criminal history record *check is made:*

1) *That the* facility *shall request or have requested on its behalf* a non-

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fingerprint-based *UCIA criminal history record check pursuant to* the Health Care Worker Background Check Act.

2) *That the applicant or employee has a right to obtain a copy of the criminal records report from the* facility, *challenge the accuracy and completeness of the report, and request a waiver* in accordance with this Section.

3) *That the applicant, if hired conditionally, may be terminated if the* non-fingerprint-based *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) to (27) of this Section *unless the applicant's identity is validated and it is determined that the applicant* or employee *does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to* subsection (k) of this Section.

4) *That the applicant, if not hired conditionally, shall not be hired if the* non-fingerprint-based *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) to (27) of this Section *unless the applicant's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section.

5) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) to (27) of this Section *unless the employee's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A facility *may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check.* (Section 30(g) of the Health Care Worker Background Check Act)

k) *An applicant or employee whose* non-fingerprint-based *UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) to (27) of this Section *may request that the* facility *or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police.* (Section 35 of the Health Care Worker Background Check Act)

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l) *A* facility *having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days* after *acquiring that knowledge. The* facility *may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received.* (Section 30(d) of the Health Care Worker Background Check Act)

m) *An applicant, employee* or employer *may request a waiver* to subsection (a), (b) or (c) of this Section *by submitting the following to* the Department *within five working days after the receipt of the criminal records report*:

1) A completed *fingerprint-based UCIA criminal records check* form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) *The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by* subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:

1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and

2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.

p) The Department *may grant a waiver based on mitigating circumstances, which may include*:

~~1)~~ ~~*The age of the individual at which the crime was committed;*~~

~~2)~~ ~~*The circumstances surrounding the crime;*~~

~~3)~~ ~~*The length of time since the conviction;*~~

~~4)~~ ~~*The applicant's or employee's criminal history since the conviction;*~~

~~5)~~ ~~*The applicant's or employee's work history;*~~

~~6)~~ ~~*The applicant's or employee's current employment references;*~~

~~7)~~ ~~*The applicant's or employee's character references;*~~

~~8)~~ ~~*Nurse Aide Registry records; and*~~

~~9)~~ ~~*Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents*, which may include, but is not limited to the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)~~

~~q)~~ ~~Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:~~

~~1)~~ ~~Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;~~

~~2)~~ ~~Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;~~

~~3) More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;~~

~~4) Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;~~

~~5) Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;~~

~~6) More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.~~

~~r) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:~~

~~1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);~~

~~2) Murder, homicide, manslaughter, or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);~~

~~3) Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);~~

~~4) Aggravated battery, heinous batttery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);~~

~~5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1]);~~

~~6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);~~

~~7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);~~

~~8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);~~

~~9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);~~

~~10) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);~~

~~11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and~~

~~12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).~~

~~s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), *based on mitigating circumstances* (see susbection (p)). (Section 40(b) of the Health Care Worker Background Check Act)~~

~~t) *An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with* subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)~~

~~u) *A* facility *is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver.* (Section 40(f) of the Health Care Worker Background Check Act)~~

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~~v) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:~~

~~1) certified court records;~~

~~2) written verification from the State's Attorney's office that prosecuted the conviction at issue;~~

~~3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;~~

~~4) a signed affidavit from the individual concerning the validity of the report; or~~

~~5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.~~

~~w) This Section *shall not apply to:*~~

~~1) *An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;*~~

~~2) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or*~~

~~3) *A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents.* (Section 20 of the Health Care Worker Background Check Act)~~

~~x) *The* facility *must send a copy of the results of the UCIA* criminal history *record*~~

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~~*check to the State Nurse Aide Registry* for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.~~

~~y)~~ ~~*The* facility *shall retain on file for a period of 5 years records of criminal records requests for all employees. The* facility *shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the* Department. *A fine of $500* shall *be imposed for failure to maintain these records.* (Section 50 of the Health Care Worker Background Check Act)~~

~~z)~~ ~~The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Children's Respite Care Center Demonstration Program Code

2) Code Citation: 77 Ill. Adm. Code 260

3) Section Number: 260.1750 — Proposed Action: Amendment

4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

5) A complete description of the subjects and issues: Section 260.1750 is being amended to replace the existing text with a requirement that facilities comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955) (adopted at 28 Ill. Reg. 14133, effective October 15, 2004).

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

8) Does this rulemaking contain any incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, place, and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

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Springfield, Illinois 62761

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

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Children's Respite Care Center Demonstration Programs

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 260
CHILDREN'S RESPITE CARE CENTER DEMONSTRATION PROGRAM CODE

Section
260.1000 Definitions
260.1050 Incorporated and Referenced Materials
260.1100 Demonstration Program Elements
260.1200 Application for and Issuance of a License to Operate a Children's Respite Care Center Model
260.1300 Obligations and Privileges of Children's Respite Care Center Models
260.1400 Inspections and Investigations
260.1500 Notice of Violation and Plan of Correction
260.1600 Adverse Licensure Action
260.1700 Policies and Procedures
260.1750 Health Care Worker Background Check
260.1800 Admission Practices
260.1900 Child's Rights
260.2000 Child Care Services
260.2100 Medication Administration
260.2200 Personnel
260.2300 Food Service
260.2400 Physical Plant
260.2500 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 22 Ill. Reg. 3899, effective February 20, 1998; amended at 24 Ill. Reg. 14016, effective August 31, 2000; amended at 26 Ill. Reg. 11974, effective July 31, 2002; emergency amendment at 27 Ill. Reg. 7937, effective April 30, 2003, for a maximum of 150 days; emergency expired September 26, 2003; amended at 27 Ill. Reg. 18070, effective November 12, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 260.1750 Health Care Worker Background Check

A facility shall comply with the Health Care Worker Background Check Act [225 ILCS 46] and

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the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

~~a) The facility shall not *knowingly hire any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of* the following *offenses* (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):~~

~~1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));~~

~~2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9- 1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));~~

~~3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5, and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));~~

~~4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));~~

~~5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));~~

~~6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-~~

~~4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));~~

~~7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));~~

~~8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));~~

~~9) Criminal sexual assault or criminal sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));~~

~~10) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));~~

~~11) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));~~

~~12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));~~

~~13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));~~

~~14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253,254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));~~

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~~15) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));~~

~~16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));~~

~~17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));~~

~~18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);~~

~~19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));~~

~~20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));~~

~~21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));~~

~~22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));~~

~~23) Armed violence – elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));~~

~~24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of~~

~~the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));~~

~~25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));~~

~~26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or~~

~~27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407, and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).~~

~~b) The facility shall not *knowingly employ or retain any individual in a position with duties involving direct care for residents* if that person *has been convicted of committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) to (27) of this Section *unless the applicant, employee* or employer *obtains a waiver pursuant to* this Section. (Section 25(a) of the Health Care Worker Background Check Act)~~

~~c) *A* facility *shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the* facility *becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in* subsections (a)(1) to (27) of this Section, *as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a* facility *has an obligation to conduct a criminal history records check in other states in which an employee has resided.* (Section 25(b) of the Act)~~

~~d) For the purpose of this Section:~~

~~1) *"Applicant" means an individual seeking employment with* a facility *who has received a bona fide conditional offer of employment.*~~

~~2) *"Conditional offer of employment" means a bona fide offer of employment*~~

~~*by* a facility *to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses* listed in subsections (a)(1) to (27) of this Section.~~

~~3) *"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs.*~~

~~4) *"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee.* (Section 15 of the Health Care Worker Background Check Act)~~

~~e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:~~

~~1) The employee's assigned job responsibilities as set forth in the employee's job description;~~

~~2) Whether the employee is required to or has the opportunity to be alone with clients, with the exception of infrequent or unusual occasions; and~~

~~3) Whether the employee's regular responsibilities include physical contact with participants, for example to provide therapy or to draw blood.~~

~~f) When the facility *makes a conditional offer of employment to an applicant* who is not exempt under subsection (w) of this Section, *for a position with duties that involve direct care for residents,* the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility *must initiate or have initiated on* its *behalf a UCIA criminal history record check for that applicant.* (Section 30(c) of the Health Care Worker Background Check Act)~~

~~g) The facility *shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.* (Section 15 of the Health Care Worker Background Check Act)~~

~~h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required~~

in subsection (f) of this Section.

i) *The request for a UCIA criminal history record check shall be* made as *prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever* a non-fingerprint-based UCIA criminal history record *check is made:*

1) *That the* facility *shall request or have requested on its behalf* a non-fingerprint-based *UCIA criminal history record check pursuant to* the Health Care Worker Background Check *Act.*

2) *That the applicant or employee has a right to obtain a copy of the criminal records report from the* facility, *challenge the accuracy and completeness of the report, and request a waiver* in accordance with this Section.

3) *That the applicant, if hired conditionally, may be terminated* if the non-fingerprint-based *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated* in subsections (a)(1) to (27) of this Section *unless the applicant's identity is validated and it is determined that the applicant* or employee *does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to* subsection (k) of this Section.

4) *That the applicant, if not hired conditionally, shall not be hired if the* non-fingerprint-based *criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated* in subsections (a)(1) to (27) of this Section *unless the applicant's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section.

5) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in* subsections (a)(1) to (27) of this Section *unless the employee's record is cleared based on a fingerprint-based records check pursuant to* subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A facility *may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check.* (Section 30(g) of the Health Care Worker Background Check Act)

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k) *An applicant or employee whose* non-fingerprint-based *UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses* listed in subsections (a)(1) to (27) of this Section *may request that the* facility *or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police.* (Section 35 of the Health Care Worker Background Check Act)

l) *A* facility *having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days* after *acquiring that knowledge. The* facility *may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received.* (Section 30(d) of the Health Care Worker Background Check Act)

m) *An applicant, employee* or employer *may request a waiver* to subsection (a), (b) or (c) of this Section *by submitting the following to* the Department *within five working days after the receipt of the criminal records report:*

1) A completed *fingerprint-based UCIA criminal records check* form (Section 40(a) of the Health Care Worker Background Check Act) that the Department will forward to the Department of State Police; and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) *The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by* subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:

1) Except in the instance of payment of a court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall

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~~have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and~~

~~2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.~~

~~p) The Department *may grant a waiver based on mitigating circumstances, which may include:*~~

~~1) *The age of the individual at which the crime was committed;*~~

~~2) *The circumstances surrounding the crime;*~~

~~3) *The length of time since the conviction;*~~

~~4) *The applicant's or employee's criminal history since the conviction;*~~

~~5) *The applicant's or employee's work history;*~~

~~6) *The applicant's or employee's current employment references;*~~

~~7) *The applicant's or employee's character references;*~~

~~8) *Nurse Aide Registry records; and*~~

~~9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents*, which may include, but is not limited to, the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)~~

~~q) Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of~~

~~this Section:~~

~~1) Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;~~

~~2) Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;~~

~~3) More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;~~

~~4) Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;~~

~~5) Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;~~

~~6) More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.~~

~~r) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:~~

~~1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);~~

~~2) Murder, homicide, manslaughter, or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);~~

~~3) Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);~~

~~4) Aggravated battery, heinous battery or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6 and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6 and 12-4.7]);~~

5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1]);

6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);

7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);

8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);

9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);

10) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);

11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and

12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).

s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), *based on mitigating circumstances* (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

t) *An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the* employer *may continue to employ the individual in a direct care position if the individual presents convincing evidence to the* employer *that the non-fingerprint check is*

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invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

u) *A* facility *is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver.* (Section 40(f) of the Health Care Worker Background Check Act)

v) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not limited to:

1) certified court records;

2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;

4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

w) This Section *shall not apply to:*

1) *An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;*

2) *An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or*

~~3)~~ ~~*A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents.* (Section 20 of the Health Care Worker Background Check Act)~~

~~x)~~ ~~*The* facility *must send a copy of the results of the UCIA* criminal history *record check to the State Nurse Aide Registry* for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.~~

~~y)~~ ~~*The* facility *shall retain on file for a period of 5 years records of criminal records requests for all employees. The* facility *shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the* Department. *A fine of $500* shall *be imposed for failure to maintain these records.* (Section 50 of the Health Care Worker Background Check Act)~~

~~z)~~ ~~The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part : Vision Screening

2) Code Citation: 77 Ill. Adm. Code 685

3) Section Number: 685.110 Proposed Action: Amendment

4) Statutory Authority: Child Vision and Hearing Test Act [410 ILCS 205]

5) A Complete Description of the Subjects and Issues Involved: These amendments are being proposed to implement Public Act 93-0504 (SB 805), effective January 1, 2004. This legislation amended Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] to require that the Department's rules governing vision screening tests require individuals conducting the tests to give a child's parent or guardian written notification, before the vision screening is conducted, that vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. The parent or guardian must also be informed that if an optometrist or ophthalmologist has completed and signed a report form indicating that the child has had an examination within the previous 12 months, the child is not required to undergo the vision screening.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

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

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

8) Does this rulemaking contain incorporations by reference? No

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

10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a state mandate.

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

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Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

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

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: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: VISION AND HEARING

PART 685
VISION SCREENING

SUBPART A: APPLICABILITY AND GENERAL PROVISIONS

Section
685.10 Applicability
685.20 Definitions

SUBPART B: STANDARDS AND PROCEDURES FOR VISION SCREENING

Section
685.100 Instrumentation
685.110 Frequency of Screening
685.115 Pass/Fail and Referral Criteria
685.120 Referral
685.130 Screening Battery for School Age Children
685.140 Screening Battery for Preschool Children and Difficult to Test Children
685.150 Screening Battery for Children Wearing Glasses or Contact Lenses

SUBPART C: STANDARDS FOR PERSONNEL PROVIDING
VISION SCREENING SERVICES

Section
685.200 Screening Battery (Repealed)
685.210 Screening and Rescreening Procedures (Repealed)
685.220 Pass/Fail and Referral Criteria (Repealed)
685.230 Personnel
685.240 Training for Vision Screening Technicians
685.250 Application for Training and Certification
685.260 Certification of Vision Screening Technicians
685.270 Recertification of Vision Screening Technicians
685.280 Lapsed Certificate

SUBPART D: FEE STRUCTURE

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Section
685.300 Screening and Rescreening Procedures (Repealed)
685.310 Pass/Fail and Referral Criteria (Repealed)
685.320 Fees

SUBPART E: GENERAL STANDARDS FOR TRAINING AND QUALIFICATIONS FOR PERSONNEL TO PROVIDE VISION SCREENING SERVICES

Section
685.400 Screening Personnel (Repealed)

AUTHORITY: Implementing Sections 3, 4, and 5 and authorized by Section 4 of the Child Vision and Hearing Test Act [410 ILCS 205/3, 4, and 5].

SOURCE: Adopted and codified at 6 Ill. Reg. 11053, effective August 30, 1982; amended at 23 Ill. Reg. 4278, effective March 26, 1999; amended at 29 Ill. Reg. _____, effective _____.

SUBPART B: STANDARDS AND PROCEDURES FOR VISION SCREENING

Section 685.110 Frequency of Screening

a) Vision screening services shall be provided annually for:

1) All preschool children 3 years of age (or older) in any public or private educational program or licensed child-care facility.

2) All school age children who are in kindergarten, second and eighth grades; in all special education classes; referred by teachers; and transfer students. Vision screening is recommended in grades 4, 6, 10 and 12. Such screening services shall be provided in all public, independent, private and parochial schools.

b) In lieu of the screening services required in subsection (a) of this Section, a completed and signed report form, indicating that an eye examination by an M.D. specializing in diseases of the eye or a licensed optometrist has been administered within the previous 12 months, is acceptable.

c) The parent or legal guardian of a student may object to vision screening tests for their child on religious grounds. If a religious objection is made, a written and

signed statement from the parent or legal guardian detailing such objections must be presented to the screening entity.

d) *Individuals conducting vision screening tests shall give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."* (Section 27-8.1 of the School Code)

e) Written notification can be accomplished through a school handbook, a newsletter, the school calendar, or a separate notice.

f) The written notification should also contain the following language: "This screening is mandatory at specific age and grade levels. It can be waived only on documented religious grounds or with written documentation from an eye doctor of a vision examination occurring in the 12 months previous to the vision screening date."

g) Vision screening may not be waived other than on the grounds listed in subsections (b) and (c) of this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Superfecta

2) Code Citation: 11 Ill. Adm. Code 311

3) Section Number: 311.20 Proposed Action: Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking permits racetracks the option to pay 20% of the superfecta pool to bettors who selected the first 3 horses, but then carryover 80% of the superfecta pool to the next superfecta race. Currently, when there is no combination that selects the first 4 horses in order, the pool is distributed among those who selected the first 3 horses in order.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

(312) 814-5017
E-mail address: mickey_ezzo@irb.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 311
SUPERFECTA

Section
311.10 Superfecta
311.20 Pool Distribution
311.25 Scratches
311.30 Dead Heats
311.35 Minimum Fields
311.40 Entries

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; emergency amendment at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days; emergency expired February 12, 2003; emergency amendment at 26 Ill. Reg. 16854, effective November 15, 2002, for a maximum of 150 days; emergency expired April 13, 2003; amended at 28 Ill. Reg. 7121, effective May 10, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 311.20 Pool Distribution

The organization licensee may choose to distribute pools in accordance with either subsection (a) or (b). The organization licensee must give the Board 30 days notice if it chooses to distribute pools under subsection (b), including the exact percentages it will use to determine minor and major pools. The racing program shall indicate when the method described in subsection (b) is being used for a meet.

a) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers,

then

2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

4) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers,~~;~~ then

5) The entire pool shall be refunded on Superfecta wagers for that contest.

b) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

2) The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Superfecta race. The remaining minor pool shall be paid as a Superfecta consolation pool, which will be equally divided among those ticket holders who correctly select the first three betting interests; but if there are no such wagers, then

3) The Superfecta consolation pool will be divided among those ticket holders who correctly select the first two interests; but if there are no such wagers, then

4) The Superfecta consolation pool will be divided among those ticket holders who correctly select the first betting interest; but if there are no such wagers, then

5) The entire net pool shall become a carryover pool into the next regularly scheduled Superfecta race.

6) On the last Superfecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).

c~~b~~) If fewer than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Parlay

2) Code Citation: 11 Ill. Adm. Code 319

3)

Section Number:	Proposed Action:
319.10	New Section
319.20	New Section
319.30	New Section
319.40	New Section
319.50	New Section
319.60	New Section

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking authorizes a pari-mutuel wager that will permit fans to wager on a series of races, with the winnings of each race automatically used as the wager of the following race. The wagering is limited to win, place and show bets. This wager may be started on any series of races with a minimum of 2 races and a maximum of 5 races. There are no refunds once a Parlay wager has conducted its first race. A final winning ticket would mean that in each race, the wager was successful in each leg of the Parlay wager.

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

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

8) Does this rulemaking contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

(312) 814-5017
E-mail address: mickey_ezzo@irb.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 319
PARLAY

Section

319.10 Definition
319.20 Pool Distribution
319.30 Dead Heats
319.40 Scratches
319.50 Cancellations
319.60 Entries and Fields

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 29 Ill. Reg. _____, effective _____.

Section 319.10 Definition

The Parlay is a series of wagers on one particular program combining betting in win, place, or show pools (when such pools are offered in corresponding races). The wager shall combine at least 2 races (or legs) and have a maximum of 6 races. The parlay shall not combine bets in the same race. The series of wagers shall be bet on races in chronological order but not necessarily on consecutive contests. The Parlay is not a separate pari-mutuel pool.

Section 319.20 Pool Distribution

a) The initial bet constitutes the wager on the 1st leg. If successful, the payoff from the 1st leg is then bet on the 2nd leg. If successful again and the parlay has at least 3 legs, the payoff is then bet on the 3rd leg. This continues through a possible 6 legs.

b) Parlay amounts shall be included in appropriate pools as soon as possible so amounts of those wagers will be reflected in pools displayed to the public. Parlay wager totals shall be displayed to the lowest dollar.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

Section 319.30 Dead Heats

In case of a dead heat for win, place, or show in a particular Parlay leg, the corresponding Racing Board rules shall apply for those pools.

Section 319.40 Scratches

If any race or pool is cancelled, or a betting interest is scratched, the Parlay wager shall consist of the remaining leg or legs. The Parlay shall terminate when no legs remain in the wager.

Section 319.50 Cancellations

Parlay wagers may be cancelled in accordance with 11 Ill. Adm. Code 433.120 prior to "stop betting" of the 1st leg of the Parlay. After the 1st leg, a Parlay wager must be completed by execution of these rules to be entitled to a payoff. After the 1st leg, the bettor will not have the option of cashing in a Parlay wager prior to completion of all legs included in the Parlay wager.

Section 319.60 Entries and Fields

In the event any contestant in a coupled entry or field is scratched in the Parlay wager, the remaining contestants in that coupled entry or field shall remain valid betting interests.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Substance Abuse

2) Code Citation: 11 Ill. Adm. Code 508

3) Section Number: 508.50 — Proposed Action: Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the current rule, adopted almost 20 years ago, to more accurately reflect federal guidelines governing urine testing in the workplace.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

(312) 814-5017
E-mail address: mickey_ezzo@irb.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 508
SUBSTANCE ABUSE

Section

508.10 Purpose
508.20 Definitions
508.30 Breathalyzer Test
508.35 Hearings
508.40 Penalties for Alcohol Abuse
508.50 Urine Test
508.60 Penalties for Substance Abuse
508.70 Confidential Test Results
508.80 Random Testing
508.90 Severability

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 10 Ill. Reg. 5840, effective March 28, 1986; Part repealed, new Part adopted at 11 Ill. Reg. 11137, effective June 3, 1987; amended at 12 Ill. Reg. 1910, effective January 1, 1988; amended at 29 Ill. Reg. _____, effective _____.

Section 508.50 Urine Test

a) No Jockey, Driver, Starter, Assistant Starter or Outrider shall use on the grounds of any race track any Controlled Substance or any prescription drug unless such substance was obtained directly, or pursuant to a valid prescription or order from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the Jockey, Driver, Starter, Assistant Starter, or Outrider to give prior written notice to the Stewards that he is using a Controlled Substance or prescription drug pursuant to a valid prescription or order from a licensed physician.

b) The stewards shall direct any Jockey, Driver, Starter, Assistant Starter, or Outrider at a licensed race meeting to submit to a urine test for drugs if the

stewards have either reasonable information or an individualized suspicion that the urine test may produce evidence that said Jockey, Driver, Starter, Assistant Starter, or Outrider is using either a Controlled Substance or prescription drug without a prescription. Any Jockey, Driver, Starter, Assistant Starter, or Outrider who fails to submit to a urine test when requested to do so by the stewards shall be suspended.

c) Any Jockey, Driver, Starter, Assistant Starter or Outrider subject to this rule who is requested to submit to a urine test shall provide the urine sample to the stewards or their designee. The sample so taken shall be immediately sealed and tagged on the form provided by the Board. The signature of the tested licensee shall constitute evidence of such sealing. The portion of the sample which is provided to the laboratory for analysis shall not identify the Jockey, Driver, Starter, Assistant Starter or Outrider by name. It shall be the obligation of the Jockey, Driver, Starter, Assistant Starter or Outrider to cooperate fully with the Stewards or their designee in obtaining any sample which may be required and to witness the sealing of such sample.

d) Each specimen received from a Jockey, Driver, Starter, Assistant Starter, or Outrider shall be divided into two separate parts. One portion designated as the "referee" sample, shall be available for testing upon the request of the individual who provided the specimen. The "referee" sample may also be tested by the laboratory with the consent of the individual who provided the specimen. The other portion of the sample shall be known as the "laboratory" sample and shall be tested by the laboratory. The Board shall bear the cost of preparing the "referee" sample for shipment but the cost of such shipment and of such testing shall be borne by the person requesting the additional test.

e) After the urine sample has been taken from a Jockey, Driver, Starter, Assistant Starter, or Outrider and analyzed by a laboratory contracted by the Board, the laboratory shall make a positive test finding if the urine sample exceeds both the initial screening and confirmatory levels of detectability for controlled substances or prescription drugs. Pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing, published by the Substance Abuse and Mental Health Services Administration:~~In addition, the Board is cognizant of the scientific documentation of the concept of passive inhalation of marijuana. To prevent a violation of Section 508.50 because of passive inhalation of marijuana, the initial screening level of detectability for marijuana metabolites shall be 100 nanograms per milliliter.~~

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

1) The following initial test cutoff levels shall be used when screening specimens to determine whether they are negative. Specimens that test negative on the initial test shall be reported negative.

Marijuana metabolites	50 nanograms/milliliter (ng/ml)
Cocaine metabolites	300 ng/ml
Opiate metabolites	300 ng/ml
Amphetamines	1,000 ng/ml

2) All specimens identified as positive on the initial test shall be confirmed at the following cutoff levels:

Marijuana metabolites	15 nanograms/milliliter (ng/ml)
Cocaine metabolites	150 ng/ml
Opiate metabolites	300 ng/ml
Amphetamines	500 ng/ml

f) A confirmed positive controlled substance or prescription drug result shall be reported, in writing, to the Executive Director of the Board or his designee. On receiving written notice from the laboratory that a sample has been found positive for a controlled substance or prescription drug, the Executive Director or his designee shall notify the individual and the stewards of the test results.

g) Upon receipt of a notice of positive test finding, the stewards shall conduct an inquiry at which the individual with notice of a positive test finding shall have the opportunity to be heard. Further, any individual with notice of a positive test finding may challenge his particular test or test result by having a portion of the sample tested at the laboratory of his choice. Any individual contesting the tests or test results may request a hearing before the Board as set forth in 11 Ill. Adm. Code 204.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Medication

2) Code Citation: 11 Ill. Adm. Code 603

3) Section Number: 603.180 Proposed Action: Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes several technical changes that were not anticipated when the rule was amended in 2004. The most significant change is that in the event a racehorse is subject to early detention, the time period will be changed from 6 ½ hours prior to the scheduled post time for the first race to 6 ½ hours prior to the scheduled post time of the horse's race.

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

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

(312) 814-5017
E-mail address: mickey_ezzo@irb.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section

603.10 Pre-Race Saliva Tests
603.20 Racing Soundness Exam
603.30 Foreign Substances and Pharmaceutical Aids Banned
603.40 Twenty-four Hour Ban
603.50 Trainer Responsibility
603.55 Prima Facie Evidence
603.60 Permitted Use of Foreign Substances and Threshold Levels
603.70 Furosemide
603.80 Needles, Syringes and Injectables
603.90 Drugs, Chemicals and Prescription Items
603.100 Detention Barn
603.110 Test Samples
603.120 Referee Samples
603.130 Laboratory Findings and Reports
603.140 Distribution of Purses and Retention of Samples
603.150 Post Mortems
603.160 Penalties
603.170 Veterinarian's Records
603.180 Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1,

2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. _____, effective _____.

Section 603.180 Carbon Dioxide Tests

a) The Board recognizes that an excess level of total carbon dioxide (TCO_2) in the race horse is considered adverse to the best interests of racing and adverse to the best interest of the horse in that such condition alters its normal physiological state. Accordingly, the State Veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO_2 concentration.

b) Blood samples for TCO_2 shall be drawn pre-race or post-race.

c) The TCO_2 level in the blood shall be less than~~not exceed~~:

1) 39.0 millimoles per liter if the horse is competing on furosemide in accordance with Section 603.70 (Furosemide).

2) 37.0 millimoles per liter if the horse is not competing on furosemide.

d) In the event a blood sample from a horse contains an amount of TCO_2 that is equal to or exceeds the levels described in subsection (c), the following penalties shall apply:

1) The first time the laboratory reports an excessive TCO_2 level, the trainer shall be fined $2,000, the purse shall be redistributed and the trainer shall be ordered suspended for at least 60 days but not to exceed 90 days. In addition, the horse shall be placed on the stewards list or be subject to "early detention" for a period identical to the length of the trainer's suspension. "Early detention" in Illinois shall be defined as pre-race guarded quarantine, on the grounds of the Illinois organization licensee, beginning no less than 6½ hours prior to the scheduled post time for the horse's~~first~~ race. The licensed owner or trainer of the horse shall assign a caretaker to attend and provide surveillance until the horse is brought to the paddock or receiving barn.

2) The second time the laboratory reports an excessive TCO_2 level, the trainer shall be ordered suspended for 180 days and fined $5,000 and the

purse shall be redistributed. In addition, the horse shall be placed on the stewards list or be subject to "early detention" in Illinois for a period of 180 days.

3) For a third or subsequent report of an excessive TCO_2 level, the trainer shall be ordered suspended for two years and fined $5,000 and the purse shall be redistributed. In addition, the horse shall be placed on the stewards list or be subject to "early detention" in Illinois for a period of 180 days.

4) The penalties set forth in subsections (d)(2) and (3) must occur within 5 years after the penalties set forth in subsection (d)(1) are levied.

e) If the levels of TCO_2 are determined to equal or exceed those set forth in subsection (c), and the licensed owner or trainer of that horse contends in writing to the stewards within 24 hours after notification of the results that such levels are physiologically normal for that particular horse, the licensee may, by such writing, request that the horse be held in quarantine. In the event quarantine is requested, the organization licensee shall make guarded quarantine available, for a period of time to be determined by the stewards but in no event more than 72 hours, at the sole expense of the licensee. During any quarantine, the horse shall be re-tested periodically and, although the horse may not race during the quarantine period, it shall~~may~~ be exercised and trained at times prescribed by the organization licensee, consistent with the ability to monitor the horse. The horse will only be fed hay, oats and water during the quarantine period. If the stewards are satisfied, on the basis of the evident facts, the quarantine, and the testing of the horse's blood during the quarantine period, that the level of TCO_2 set forth in subsection (c) is physiologically normal for that particular horse, the stewards shall not order the penalty~~relief~~ set forth in subsection (d) and the horse shall be permitted to compete. In such case, the stewards, in their discretion, may require that the horse re-establish that the TCO_2 level is physiologically normal to it pursuant to the quarantine procedure set forth in this subsection.

f) The provisions of Section 603.120 (Referee Samples) shall not apply to blood samples drawn for purposes of carbon dioxide testing.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Public Library Construction Grants

2) Code Citation: 23 Ill. Adm. Code 3060

3)

Section Numbers:	Proposed Action:
3060.400	Amendment
3060.500	Amendment

4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

5) A Complete Description of the Subjects and Issues Involved: In Section 3060.400, the definition of "library building consultant" is being expanded to allow an architect licensed in Illinois or an engineer licensed in Illinois, with prior experience in at least one public library construction project, to serve as a building consultant. This is appropriate in remodeling projects that involve work such as accessibility to the disabled, HVAC systems or wiring for technology that does not impact library service patterns. This will result in a cost savings to a library involved in a project since it will not have to retain the services of both a building consultant and an architect or engineer. In Section 3060.500, the grant funding priority for FY 2006 will be given to remodeling for accessibility and mini-grants.

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

7) Does this rulemaking contain incorporations by reference? No

8) Are there any other proposed amendments pending on this Part? No

9) Statement of Statewide Policy Objectives: This proposed rulemaking neither create, nor expand any State mandate on units of local government, school district or community college districts.

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

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62701-1796

217-558-4185; jnatale@ilsos.net

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Public libraries applying for a construction grant from the Illinois State Library.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3060
PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

Section
3060.100 Program Purpose
3060.200 Duty to Administer
3060.400 Definitions

SUBPART B: GRANT APPLICATION

Section
3060.500 Priorities in Library Grant Construction Proposals
3060.600 Grant Funding Limitations
3060.700 The Chicago Public Library Branches
3060.800 Grant Application Procedure
3060.900 Requirements and Conditions of Grant Funds
3060.1000 Remodeling for Accessibility
3060.1050 Shared Use Facilities
3060.1100 Disbursement of Grant Funds of $50,000 or more
3060.1110 Disbursement of Grant Funds of $50,000 or less

SUBPART C: APPEAL PROCEDURE

Section
3060.2000 Appeal Procedure

3060.APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510,

effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20 Ill. Reg. 13078, effective September 20, 1996; emergency amendment at 20 Ill. Reg. 15081, effective November 7, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4981, effective April 3, 1997; amended at 23 Ill. Reg. 12717, effective October 4, 1999; amended at 25 Ill. Reg. 8352, effective July 1, 2001; amended at 26 Ill. Reg. 12014, effective August 1, 2002; amended at 27 Ill. Reg. 17089, effective November 1, 2003; amended at 28 Ill. Reg. 15607, effective December 1, 2004; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 3060.400 Definitions

For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded as indicated in Section 3060.100 of this Part.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Audit" means a report of financial compliance of a construction grant project by a certified public accountant.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing

buildings.

The purchase of initial equipment for new buildings or existing buildings which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Conversion" means converting a building currently not used as a library into a public library facility.

"Equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, for example, fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a branch library of a main library facility.

"Library building consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association with prior experience in at least one library construction project. An architect licensed to practice in Illinois or an engineer licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library.

~~"Library building consultant" refers to an individual, chosen by the library, with: a Master's degree in library science from a library school accredited by the American Library Association; and prior experience in at least one library construction project.~~

"Library system" means an organization defined at Section 2 of the Library System Act.

"Local matching funds" means general funds, securities, general revenue bonds, tax levies, mortgages and locally generated monies. Local matching funds do not include any pledges as defined in this Part, and any funds from the State of Illinois, or from the federal government or from collateralized pledges.

"Mini-grants" means projects to enable public libraries with limited funds, as defined in this Section, to remodel or refurbish the library.

"Pledge" means a non-collateralized offer or guarantee in writing of a specified dollar amount as part of the local matching funds for a construction project.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries which would have received an income of less than $10 per capita in the preceding fiscal year by using a formula whereby the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"Shared use facility" means a building occupied by a public library with a school or another entity that is open to the public and complements the concept of public library service.

"State fiscal year" means the period from July 1 through June 30.

"Technology wiring" means the installation of wiring to allow for the transmission of electronic data.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART B: GRANT APPLICATION

Section 3060.500 Priorities in Library Grant Construction Proposals

a) Library grant funds for library building construction in any one application round will be awarded according to the following priorities:

1) Remodeling for accessibility with conditions as stated in subsection (c) of this Section.

2) A maximum of $1 million and no less than 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries.

3) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, conversions, technology wiring and renovation projects, including projects involving shared use of public facilities.

b) The cost of a parking lot can be included in the total project cost funded for remodeling for accessibility projects, but grant funds will not be allocated solely for a parking lot project, unless it is for accessibility for the disabled (ramps, curbs, doors, etc.).

c) In the event that funds are not sufficient to meet the priorities of this Part, the State Librarian may determine the priorities upon the funding available. Due to insufficient funding for this program, for fiscal year 2006~~2005~~ only, grant priority shall be given to remodeling for accessibility and mini-grants (as indicated in Section 3060.100(a) and (c) of this Part), except as otherwise provided by Section 3060.600(e).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Uniform Conviction Information Act

2) Code Citation: 20 Ill. Adm. Code 1215

3)

Section Numbers:	Proposed Action:
1215.30	Amendment
1215.35	Amendment
1215.40	Amendment
1215.50	Amendment

4) Statutory Authority: Implementing and authorized by Section 19 of the Illinois Uniform Conviction Information Act [20 ILCS 2635/19] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

5) A Complete Description of the Subjects and Issues Involved: Amendments are being proposed in order to update the fees for processing requests for conviction information, reflect processing of electronic requests, and make other minor changes.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) 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.

11) Time, Place and Manner In Which Interested Persons May Comment On This Proposed Rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rulemaking. The submissions must be in writing and directed to:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62794-9461

(217) 782-7658

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking may affect small businesses and not for profit corporations that may request conviction information under the Illinois Uniform Conviction Information Act.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The changes were not anticipated prior to the publication of the register.

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1215
ILLINOIS UNIFORM CONVICTION INFORMATION ACT

SUBPART A: PROMULGATION

Section
1215.10 Purpose
1215.20 Definitions

SUBPART B: OPERATIONS FOR PROCESSING REQUESTS

Section
1215.30 Written Request Procedures
1215.35 Automated Request Procedures
1215.40 Response Procedures
1215.50 Fees

AUTHORITY: Implementing and authorized by Section 19 of the Illinois Uniform Conviction Information Act [20 ILCS 2635/19] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 15 Ill. Reg. 1107, effective January 14, 1991; amended at 22 Ill. Reg. 6234, effective March 23, 1998; amended at 29 Ill. Reg. _____, effective _____.

SUBPART B: OPERATIONS FOR PROCESSING REQUESTS

Section 1215.30 Written Request Procedures

a) Requests for conviction information shall be made by completing a Conviction Information Request form provided by the Illinois State Police. These forms shall be made available through the Bureau of Identification, 260 North Chicago Street, Joliet, Illinois 60432-4072~~60431-1060~~. In order to be processed, Conviction Information Request forms shall at a minimum include a complete and accurate mailing address for the requester, ~~the requester's signature,~~ an indication of whether the request is for licensing or employment purposes, and the record subject's name, race, sex, and date of birth. ~~Requests for employment or licensing purposes shall also be signed by the individual to whom the information request~~

~~pertains.~~

b) If the request is for employment or licensing purposes, the requester shall retain~~maintain~~ a release on file for at least two years signed by the individual to whom the information pertains. The requester shall notify the individual named in the request that the individual has the obligation and responsibility to notify the requester within seven days if the information provided is incomplete or incorrect. A copy of the response furnished by the Department shall be provided by the requester to the individual named in the request.

c) All requests shall be accompanied by the correct fee as established in Section 1215.50 and paid in the form of a check or money order, unless other payment arrangements are approved by the Department.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1215.35 Automated Request Procedures

a) Requests submitted in an automated format shall be made in accordance with record layout formats, software and hardware specifications, or other guidelines suitable for electronic transmission and reception of data by Department equipment.

b) Automated Conviction Information Requests shall at a minimum include the record subject's name, race, sex and date of birth. The requester must also provide a complete and accurate mailing address, e-mail address, or fax number for the requester in order to receive responses. The requester must sign a user's agreement to be provided by the Department.

c) If the request is for employment or licensing purposes, the requester shall maintain a release on file for at least two years signed by the individual to whom the information pertains. The requester shall notify the individual named in the request that the individual has the obligation and responsibility to notify the requester within seven days if the information provided is incomplete or incorrect. A copy of the response furnished by the Department shall be provided by the requester to the individual named in the request.

d) All requests shall be accompanied by the correct fee as established in Section 1215.50 and paid in the form of a check or money order, unless other payment arrangements are approved by the Department.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1215.40 Response Procedures

Prior to disseminating conviction information, the Department shall review its inprocess files to ensure that the information to be disseminated is complete. The Department shall forward~~mail~~ responses to requests to the requester at the address, e-mail address, or fax number indicated on the Conviction Information Request form.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1215.50 Fees

The fees~~fee~~ for processing requests for conviction information shall be as follows:~~set by the Director.~~

Uniform Conviction Information Act fingerprint inquiries submitted electronically	$15 per submission
Uniform Conviction Information Act electronic name inquiries	$10 per name
Uniform Conviction Information Act name inquiries submitted on paper forms	$16 per inquiry
Uniform Conviction Information Act fingerprint inquiries submitted on paper forms	$20 per inquiry

The fees~~fee~~ shall not exceed the general costs for processing ~~such~~ requests. The general costs shall include, but are not limited to, personnel, supervision and training, hardware, software, network infrastructure, telephone, electric, equipment, printing, postage, facilities, forms, and miscellaneous related costs.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Contract Procurement

2) Code Citation: 44 Ill. Adm. Code 660

3) Section Number: 660.125 — Proposed Action: New Section

4) Statutory Authority: Implementing and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500].

5) A Complete Description of the Subjects and Issues Involved: A new Section has been added to the Part to implement and apply the requirements contained in Section 45-45 the Illinois Procurement Code [30 ILCS 500/45-45] as it affects the contract procurement procedures of the Department.

6) Sources of underlying data used to compose this rulemaking: None

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

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

9) Does this proposed rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government or not-for-profit corporations.

12) Time, Place and Manner in which interested persons may comment on this proposed amendment: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

Ms. Ellen Schanzle-Haskins, Chief Counsel
Illinois Department of Transportation
Office of Chief Counsel
2300 S. Dirksen Parkway, Room 300
Springfield, Illinois 62764

(217) 782-0692

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764

(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small business contractors desiring to submit bids or proposals or contract for items set aside for small businesses may be positively impacted by this amendment.

B) Reporting, bookkeeping or other procedures required for compliance: A small business contractor must provide information verifying that the contractor qualifies as a small business under the Illinois Procurement Code.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the Department did not anticipate the necessity of this amendment at the time the agendas were published.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears on page 7832 of this issue of the *Illinois Register*.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Visa Waiver Program for International Medical Graduates

2) Code Citation: 77 Ill. Adm. Code 591

3)

Section Numbers:	Emergency Action:
591.120	Amendment
591.130	Amendment

4) Statutory Authority: Immigration and Nationality Act (8 USC 1182-1184), Public Law No. 108-441

5) Effective Date of Emergency Amendments: May 10, 2005

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rulemaking will be replaced when the Department adopts the proposed amendments.

7) Date filed with the Index Department: May 10, 2005

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) Reason for Emergency: A federal law was enacted December 3, 2004 that allows state health departments to accept visa waiver applications from a maximum of five foreign physicians who are seeking waivers of their J-1 visa requirements and who propose to practice medicine at facilities that are not located in a health professional shortage area or a medically underserved area. The new federal law allows such practice if the physician will serve residents from designated underserved areas, even though the facility is not in an underserved area. Emergency amendments are needed because the application cycle for the waiver program occurring in April is the final opportunity for the foreign physicians to initiate waiver requests prior to the expiration of their J-1 visas, usually occurring in June of each year. Using the regular rulemaking process would not allow the medical facilities trying to recruit these graduates to do so before the graduates' J-1 visas expire.

10) A complete Description of the Subjects and Issues Involved: Part 591 regulates the Visa Waiver Program for International Medical Graduates studying in the country on a J-1 Visa. State health departments are allowed to request up to 30 visa waivers for those physicians who agree to practice in the state for a minimum of three years at a facility in an underserved area. The emergency rulemaking expands the eligible areas in which an international medical graduate may practice by allowing five of the 30 waivers to be at a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

facility that is not located in an underserved area but cares for patients who are residents of underserved areas or members of an underserved population group.

11) Are there any proposed amendments pending on this Part? No. The proposed amendments are not being published congruently because they require approval by the State Board of Health.

12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:

Susan Meister
Administrative Rules Coordinator
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL MEDICAL GRADUATES

PART 591
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

SUBPART A: GENERAL PROVISIONS

Section
591.10 Applicability
591.20 Definitions
591.30 Incorporated or Referenced Materials
591.40 Administrative Hearings

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section
591.100 Participation Eligibility of Physicians and Facilities
591.110 Application Submission Timeframes
591.120 Application Materials and Processing
EMERGENCY
591.130 Selection Process
EMERGENCY
591.140 Terms of Performance

AUTHORITY: Authorized by and implementing Sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)), and 22 CFR 62, Exchange Visitor Program.

SOURCE: Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. 7551, effective May 15, 2000; emergency amendment at 27 Ill. Reg. 2277, effective January 22, 2003, for a maximum of 150 days; emergency expired June 20, 2003; amended at 27 Ill. Reg. 10281, effective June 30, 2003; emergency amendment at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days; emergency expired September 11, 2004; amended at 29 Ill. Reg. 3327, effective February 16, 2005; emergency amendment at 29 Ill. Reg. 7825, effective May 10, 2005, for a maximum of 150 days.

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 591.120 Application Materials and Processing
EMERGENCY

a) Application materials are available from, and should be returned to, the following address:

J-1 Visa Waiver Program
Illinois Department of Public Health
Center for Rural Health
535 West Jefferson Street
Springfield, Illinois 62761

b) The application materials to be prepared by or on behalf of the international medical graduate seeking the waiver of the two-year home-country residency requirement shall include the following items:

1) statement from the administrator or director of the health care facility or agency that will be employing the international medical graduate describing prior recruitment difficulties experienced by the facility, the expected practice arrangement for the international medical graduate, and the impact on the facility and the patients it serves if the home country residency requirement is not waived;

2) copy of a minimum three-year employment contract between the international medical graduate and a health care facility. The contract shall include the name and address of the facility, the specific geographic area or areas in which the international medical graduate will practice, and a statement that the physician will practice full-time (40 hours) in the HPSA, HPSAs, or MUA/P identified in the contract; or, if not located in a HPSA or MUA/P, documentation that at least 51% of the participating physician's patients come from a HPSA or MUA/P;

3) statement from the employing health care facility or agency that the salary or other form of financial support offered to the international medical graduate is at a level equivalent to that offered to all other physicians with equivalent skills and experience recruited by the health care facility;

4) letter of support from a hospital chief of staff verifying that hospital admitting privileges will be granted to the international medical graduate, and if not, how admissions of the international medical graduate's patients

will be arranged;

5) letter of support for the visa requirements waiver from at least one local organization or agency such as the chamber of commerce, local health department, or other community-based organization;

6) copy of the applicant's Illinois medical license or application for an Illinois medical license;

7) completed United States Information Agency Data Sheet;

8) copy of international medical graduate's curriculum vitae;

9) copy of the IAP-66 (Certificate for Exchange Visitor J-1 Status) for each year international medical graduate was in J-1 status;

10) completed and notarized Certification Statement A signed by the international medical graduate agreeing to the contractual requirements set forth in Section 214(l)(1)(B) and (C) of the Immigration and Nationality Act;

11) completed and notarized Certification Statement B describing international medical graduate's obligation to his/her home country;

12) completed and notarized Certification Statement C in which international medical graduate states that his or her medical license has never been suspended or revoked and that he or she is not subject to any criminal investigation or proceedings by any medical licensing authority;

13) completed and notarized Certification Statement D regarding accuracy of application materials; and

14) completed and notarized Certification Statement E regarding specialty status.

c) Upon receipt of the application materials, Center for Rural Health staff will verify completeness and accuracy of the application. One written request to the applicant, or the facility or legal agency acting on behalf of the international medical graduate, will ask for any materials not included in the application. If the requested materials are not received within one month after the date of the written

request, the application will be returned to the applicant.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 7825, effective May 10, 2005, for a maximum of 150 days)

Section 591.130 Selection Process
EMERGENCY

a) In the first and second calendar quarters of the federal fiscal year, a maximum of two Visa Waiver applications will be approved per facility requesting J-1 Visa Waivers for international medical graduates. In subsequent calendar quarters, facilities that have already had two waivers approved may apply for additional waivers; however, selection priority will be given to applications from facilities that have not previously had waivers approved.

b) The following selection criteria will apply to primary care physicians and psychiatrists:

1) Selection preference will be given to the Visa Waiver application for the international medical graduate whose position represents the largest proportion of primary care or psychiatrist vacancies at the facility offering employment to the physician.

2) Selection preference will be given to applications received from HPSAs having the greatest unmet need for primary care physicians. Unmet need is the number of primary care physician full-time-equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.

c) The following selection criteria will apply to physicians in specialties other than primary care and psychiatry:

1) Selection preference will be given to applicants who can demonstrate the greatest shortage of their specialty in the underserved area or for the underserved population group they propose to serve.

2) Selection preference will be given to applicants who can demonstrate the longer waiting time for an appointment with a physician of the same specialty in the underserved area or for the underserved population group they propose to serve.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

d) The following selection allocations will be used in processing waiver applications:

1) In the first and second calendar quarters of the federal fiscal year, 6 waivers will be reserved for psychiatrists who will serve in rural facilities; 12 of the remaining 24 waivers will be reserved for primary care physicians; 12 waivers will be available to physicians in other specialties. The Department will reserve 50% of the waivers allocated to primary care physicians~~ and 50% of the waivers allocated to physicians in other specialties~~ for physicians who will serve in rural areas. The Department may grant up to 5 waivers to physicians in other than primary care specialties who will practice at medical facilities that can document that at least 51% of the participating physician's patients come from a HPSA or MUA/P~~; the balance of the waivers will be used for urban locations~~.

2) In the third and fourth quarters of the federal fiscal year, remaining waivers may be used for primary care, psychiatrist and other specialty waiver applicants, both rural and urban.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 7825, effective May 10, 2005, for a maximum of 150 days)

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Contract Procurement

2) Code Citation: 44 Ill. Adm. Code 660

3) Section Number: 660.125 — Emergency Action: New Section

4) Statutory Authority: Implementing and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500]

5) Effective Date of Emergency Amendment: May 12, 2005

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 rule will be replaced when the Department adopts the proposed amendments.

7) Date filed with the Index Department: May 12, 2005

8) A copy of the emergency amendment is on file in the Department's Office of Chief Counsel and is available for public inspection.

9) Reason for Emergency: Section 45-45 of the Illinois Procurement Code (the Code) [30 ILCS 500/45-45] authorizes the Secretary of the Illinois Department of Transportation to designate as small business set-asides a fair proportion of construction, supply and service contracts for award to small businesses in Illinois. Section 45-45 of the Code provides that a fair proportion of construction contracts shall be no less than 25% nor more than 40% of the annual total contracts for construction. The Department is further authorized to consider only bids or offers from qualified small businesses in awarding the contracts.

Since the Governor has introduced new initiatives to close the gap for small businesses in Illinois by requiring the Department to open more state contracts to diversified firms and to make it easier for them to be included in bids, small businesses will be offered new opportunities to grow and succeed.

Accordingly, in order to provide appropriate guidance to small businesses during the upcoming construction season, the Department has determined that a threat to the public interest, safety or welfare exists and that the public will be best served by amending Part 660 by emergency amendment in order to accomplish the above-stated goals and objectives.

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AMENDMENT

10) A Complete Description of the Subjects and Issues Involved: A new Section has been added to the Part to implement and apply the requirements contained in Section 45-45 of the Illinois Procurement Code [30 ILCS 500/45-45] as it affects the contract procurement procedures of the Department.

11) Are there any Proposed Amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government or not-for-profit corporations.

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

Ms. Ellen Schanzle-Haskins, Chief Counsel
Illinois Department of Transportation
Office of Chief Counsel
2300 S. Dirksen Parkway, Room 300
Springfield, Illinois 62764

(217) 782-0692

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764

(217) 782-3215

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 660
CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section
660.10 Authority
660.20 Policy
660.30 Purpose and Policy Interpretations
660.40 Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section
660.50 Transportation Bulletin
660.60 Subscription Fees
660.70 Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section
660.80 Competitive Sealed Bids
660.90 Competitive Sealed Proposals
660.100 Small Contracts
660.110 Sole Source Contracts
660.120 Emergency Contracts
660.125 Small Business Set-Asides
EMERGENCY

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section
660.130 General Conditions for Use
660.140 Invitations for Bids
660.150 Amendments to Invitations for Bids

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AMENDMENT

660.160 Preparation of Bids
660.170 Delivery of Bids
660.180 Change or Withdrawal of Bids
660.190 Combination Bids for Construction Contracts
660.200 Pre-Bid Conferences
660.210 Public Opening of Bids
660.220 Consideration of Bids
660.230 Mistakes
660.240 Award After Bid Evaluation
660.250 Split and Multiple Awards
660.260 Time for Award
660.270 Delay in Award
660.280 Binding Contract
660.290 Requirement of Contract Bond for Construction Contracts
660.300 Execution of Contract
660.310 Publication of Contracts

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section
660.320 General Conditions for Use
660.330 Request for Proposals
660.340 Delivery of Proposals
660.350 Evaluation of Proposals
660.360 Discussions with Responsible Offerors
660.370 Award
660.380 Publication of Contracts

SUBPART F: PROTESTS

Section
660.390 Application
660.400 Interested Party
660.410 Subject of the Protest
660.420 Filing of a Protest
660.430 Stay of Action during Protest
660.440 Decision

SUBPART G: SPECIFICATIONS

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AMENDMENT

Section
660.450 Standard Specifications
660.460 Contract Documents
660.470 Specification Standards

SUBPART H: SUSPENSION OF CONTRACTORS

Section
660.480 Purpose
660.490 Definitions
660.500 Policy
660.510 General
660.520 Causes for Suspension
660.530 Interim Suspension
660.540 Voluntary Exclusion
660.550 Term of Suspension
660.560 Coverage
660.570 Other Agency Suspensions
660.580 Responsibility
660.590 Continuation of Executory Contracts
660.600 Exception Provision
660.610 Notice of Suspension
660.620 Response and Request for Hearing
660.630 Hearing Date and Hearing Officer
660.640 Answer
660.650 Form of Documents
660.660 Computation of Time
660.670 Appearances
660.680 Hearing Procedures
660.690 Determination

SUBPART I: MISCELLANEOUS

Section
660.700 Property Rights
660.710 Federal Requirements
660.720 Intergovernmental Agreements
660.730 No Waiver of Sovereign Immunity
660.740 Written Determinations
660.750 Severability

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AMENDMENT

AUTHORITY: Implementing, and authorized by Section 5-25 of, the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days.

SUBPART C: METHODS OF PROCUREMENT

Section 660.125 Small Business Set-Asides
EMERGENCY

a) The Department may determine categories of construction, supply, and 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 for a fair proportion of a specific construction, supply, or service, or for a class of like construction, supplies or services. A fair proportion of construction contracts means no less than 25% nor more than 40% of the annual total contracts for construction. A set-aside designation may last indefinitely or for a stated period of time, as determined by the Department. (See Section 45-45(a) and (c) of the Code.)

b) A business that meets the definition of a small business on the day of bid or proposal opening will be considered a small business for the duration of the contract. (See Section 45-45(e)(1) of the Code.)

c) If the Department wishes to make a procurement covered by a small business set-aside designation, the solicitation will note that responses are limited to those from responsible small businesses. Bids or proposals received from businesses other than small businesses will be rejected as nonresponsive. (See Section 45-45(a) of the Code.)

d) If the Department determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Department will 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 will be published in the Transportation Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement will be

conducted in accordance with the limitations of the Code and this Part. (See Section 45-45(d) of the Code.)

e) Unless the Department provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:

1) Independently owned and operated.

2) Not dominant in its field of operations, which 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 will 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 most recently ended fiscal year no greater than:

A) $7,500,000 for wholesale business;

B) $10,000,000 for construction business; or

C) $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, the annual sales for each component may not exceed the amounts shown in subsection (e)(3) of this Section. For example, a

business that is both a retailer and wholesaler may not have total sales exceeding $9,000,000; the retail component may not exceed $1,500,000; and the wholesale component may not exceed $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) of this Section.

6) When computing the size of a business, the number of employees and annual sales and receipts, as applicable, of the business and all affiliates will be considered. 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 will be given to all appropriate factors, including the use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship will not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure. (See Section 45-45(b) of the Code.)

f) Contractors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the contractor qualifies as a small business under the Code. The Department may establish procedures for verifying such information.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 7832, effective May 12, 2005)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Pay Plan

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

3) Section Number: 310.Appendix A Table W
Peremptory Action: 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 is amending Appendix A, Table W of the Pay Plan (80 Ill. Adm. Code 310.Appendix A Table W) to reflect the newly established classifications of Public Safety Inspector and Public Safety Inspector Trainee, which are represented by the American Federation of State, County and Municipal Employees (AFSCME). The AFSCME represented Health and Safety Officer I and II and Carnival and Amusement Safety Inspector titles are abolished and the incumbents reclassified into the Public Safety Inspector title. The AFSCME represented Health and Safety Officer Trainee and Carnival and Amusement Safety Inspector Trainee titles are abolished and the incumbents reclassified into the Public Safety Inspector Trainee title. Effective May 1, 2005, the Civil Service Commission approved the abolishment of the Health and Safety Officer I, II, and Trainee, and the Carnival and Amusement Safety Inspector and Trainee titles, and the establishment of the Public Safety Inspector and Public Safety Inspector Trainee titles.

5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].

6) Effective Date: May 10, 2005

7) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A Table W is amended to reflect the abolishment of the Health and Safety Officer I, II, and Trainee, and the Carnival and Amusement Safety Inspector and Trainee titles, and the creation of the Public Safety Inspector and Public Safety Inspector Trainee titles. The Public Safety Inspector title has a title code of 37007 and a pay grade of RC-062-16. The Public Safety Inspector Trainee title has a title code of 37010 and a pay grade of RC-062-10.

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

9) Date filed with the Index Department: May 10, 2005

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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?

Section Numbers	Proposed Action	Ill. Reg. Citation
310.Appendix A Table D	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A Table E	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A Table F	Amendment	28 Ill. Reg. 13949, 10/29/04
310.210	Amendment	29 Ill. Reg. 2105, 2/14/05
310.230	Amendment	29 Ill. Reg. 2105, 2/14/05
310.280	Amendment	29 Ill. Reg. 2105, 2/14/05
310.290	Amendment	29 Ill. Reg. 2105, 2/14/05
310.Appendix A Table L	Amendment	29 Ill. Reg. 2105, 2/14/05
310.Appendix A Table W	Amendment	29 Ill. Reg. 2105, 2/14/05
310.Appendix A Table Y	Amendment	29 Ill. Reg. 2105, 2/14/05
310.100	Amendment	29 Ill. Reg. 2884, 2/25/05
310.490	Amendment	29 Ill. Reg. 2884, 2/25/05
310.Appendix A Table W	Amendment	29 Ill. Reg. 2884, 2/25/05
310.100	Amendment	29 Ill. Reg. 4186, 3/18/05
310.110	Amendment	29 Ill. Reg. 4186, 3/18/05
310.130	Amendment	29 Ill. Reg. 4186, 3/18/05
310.280	Amendment	29 Ill. Reg. 4186, 3/18/05
310.290	Amendment	29 Ill. Reg. 4186, 3/18/05
310.530	Amendment	29 Ill. Reg. 4186, 3/18/05
310.540	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table G	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table H	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table I	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table J	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table K	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table M	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table N	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table O	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table P	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table Q	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table R	Amendment	29 Ill. Reg. 4186, 3/18/05

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Section Numbers	Proposed Action	Ill. Reg. Citation
310.Appendix A Table V	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table W	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table X	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table Z	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix B	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix C	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix D	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix G	Amendment	29 Ill. Reg. 4186, 3/18/05
310.230	Amendment	29 Ill. Reg.6148, 5/6/05
310.280	Amendment	29 Ill. Reg.6148, 5/6/05
310.320	Amendment	29 Ill. Reg.6148, 5/6/05
310.410	Amendment	29 Ill. Reg.6148, 5/6/05
310. Appendix A Table W	Amendment	29 Ill. Reg.6148, 5/6/05

13) Statement of Statewide Policy Objective: 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.

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

Ms. Anne McElroy
Deputy Director
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706

217/524-8773
Fax: 217/558-4497

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY 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
310.50 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 for Fiscal Year 2005
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
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate

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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
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
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 Guidechart for Fiscal Year 2005
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 HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
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)

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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	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
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 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2005
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2005
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2005
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 for Fiscal Year 2005

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,

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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

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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

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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,

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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. 2680, 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 14, 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.

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE W RC-062 (Technical Employees, AFSCME)

Title	***Salary Grade***	***Code***
Accountant	RC-062-14	00130
Accountant Advanced	RC-062-16	00133
Accounting and Fiscal Administration Career Trainee	RC-062-12	00140
Activity Therapist	RC-062-15	00157
Activity Therapist Coordinator	RC-062-17	00160
Actuarial Assistant	RC-062-16	00187
Actuarial Examiner	RC-062-16	00195
Actuarial Examiner Trainee	RC-062-13	00196
Actuarial Senior Examiner	RC-062-19	00197
Actuary I	RC-062-20	00201
Actuary II	RC-062-24	00202
Agricultural Market News Assistant	RC-062-12	00804
Agricultural Marketing Generalist	RC-062-14	00805
Agricultural Marketing Reporter	RC-062-18	00807
Agricultural Marketing Representative	RC-062-18	00810
Agriculture Land and Water Resource Specialist I	RC-062-14	00831
Agriculture Land and Water Resource Specialist II	RC-062-17	00832
Agriculture Land and Water Resource Specialist III	RC-062-20	00833
Aircraft Pilot I	RC-062-19	00955
Aircraft Pilot II	RC-062-22	00956
Appraisal Specialist I	RC-062-14	01251
Appraisal Specialist II	RC-062-16	01252
Appraisal Specialist III	RC-062-18	01253
Arts Council Associate	RC-062-12	01523
Arts Council Program Coordinator	RC-062-18	01526
Arts Council Program Representative	RC-062-15	01527
Assignment Coordinator	RC-062-20	01530
Bank Examiner I	RC-062-16	04131
Bank Examiner II	RC-062-19	04132
Bank Examiner III	RC-062-22	04133
Behavioral Analyst Associate	RC-062-15	04355
Behavioral Analyst I	RC-062-17	04351
Behavioral Analyst II	RC-062-19	04352
Business Administrative Specialist	RC-062-16	05810

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Buyer	RC-062-18	05900
~~Carnival and Amusement Safety Inspector~~	~~RC-062-16~~	~~06550~~
~~Carnival and Amusement Safety Inspector Trainee~~	~~RC-062-10~~	~~06555~~
Chemist I	RC-062-16	06941
Chemist II	RC-062-19	06942
Chemist III	RC-062-21	06943
Child Protection Advanced Specialist	RC-062-19	07161
Child Protection Associate Specialist	RC-062-16	07162
Child Protection Specialist	RC-062-18	07163
Child Welfare Associate Specialist	RC-062-16	07216
Child Welfare Staff Development Coordinator I	RC-062-17	07201
Child Welfare Staff Development Coordinator II	RC-062-19	07202
Child Welfare Staff Development Coordinator III	RC-062-20	07203
Child Welfare Staff Development Coordinator IV	RC-062-22	07204
Children and Family Service Intern – Option 1	RC-062-12	07241
Children and Family Service Intern – Option 2	RC-062-15	07242
Clinical Laboratory Technologist I	RC-062-18	08220
Clinical Laboratory Technologist II	RC-062-19	08221
Clinical Laboratory Technologist Trainee	RC-062-14	08229
Communications Systems Specialist	RC-062-23	08860
Community Management Specialist I	RC-062-15	08891
Community Management Specialist II	RC-062-17	08892
Community Management Specialist III	RC-062-19	08893
Community Planner I	RC-062-15	08901
Community Planner II	RC-062-17	08902
Community Planner III	RC-062-19	08903
Conservation Education Representative	RC-062-12	09300
Conservation Grant Administrator I	RC-062-18	09311
Conservation Grant Administrator II	RC-062-20	09312
Conservation Grant Administrator III	RC-062-22	09313
Construction Program Assistant	RC-062-12	09525
Correctional Counselor I	RC-062-15	09661
Correctional Counselor II	RC-062-17	09662
Correctional Counselor III	RC-062-19	09663
Corrections Academy Trainer	RC-062-17	09732
Corrections Apprehension Specialist	RC-062-19	09750
Corrections Industries Marketing Representative	RC-062-17	09803
Corrections Leisure Activities Specialist I	RC-062-15	09811
Corrections Leisure Activities Specialist II	RC-062-17	09812
Corrections Leisure Activities Specialist III	RC-062-19	09813

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NOTICE OF PEREMPTORY AMENDMENTS

Corrections Parole Agent	RC-062-17	09842
Corrections Senior Parole Agent	RC-062-19	09844
Criminal Intelligence Analyst I	RC-062-18	10161
Criminal Intelligence Analyst II	RC-062-20	10162
Criminal Intelligence Analyst Specialist	RC-062-22	10165
Criminal Justice Specialist I	RC-062-16	10231
Criminal Justice Specialist II	RC-062-20	10232
Criminal Justice Specialist Trainee	RC-062-13	10236
Curator of the Lincoln Collection	RC-062-16	10750
Day Care Licensing Representative I	RC-062-16	11471
Developmental Disabilities Council Program Planner I	RC-062-12	12361
Developmental Disabilities Council Program Planner II	RC-062-16	12362
Developmental Disabilities Council Program Planner III	RC-062-18	12363
Dietitian	RC-062-15	12510
Disability Appeals Officer	RC-062-22	12530
Disability Claims Adjudicator I	RC-062-16	12537
Disability Claims Adjudicator II	RC-062-18	12538
Disability Claims Adjudicator Trainee	RC-062-13	12539
Disability Claims Analyst	RC-062-20	12540
Disability Claims Specialist	RC-062-19	12558
Disaster Services Planner	RC-062-19	12585
Document Examiner	RC-062-22	12640
Educator – Provisional	RC-062-12	13105
Employment Security Manpower Representative I	RC-062-12	13621
Employment Security Manpower Representative II	RC-062-14	13622
Employment Security Program Representative	RC-062-14	13650
Employment Security Program Representative – Intermittent	RC-062-14H	13651
Employment Security Service Representative	RC-062-16	13667
Employment Security Specialist I	RC-062-14	13671
Employment Security Specialist II	RC-062-16	13672
Employment Security Specialist III	RC-062-19	13673
Employment Security Tax Auditor I	RC-062-17	13681
Employment Security Tax Auditor II	RC-062-19	13682
Energy and Natural Resources Specialist I	RC-062-15	13711
Energy and Natural Resources Specialist II	RC-062-17	13712
Energy and Natural Resources Specialist III	RC-062-19	13713
Energy and Natural Resources Specialist Trainee	RC-062-12	13715
Environmental Health Specialist I	RC-062-14	13768
Environmental Health Specialist II	RC-062-16	13769
Environmental Health Specialist III	RC-062-18	13770

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Environmental Protection Associate	RC-062-12	13785
Environmental Protection Specialist I	RC-062-14	13821
Environmental Protection Specialist II	RC-062-16	13822
Environmental Protection Specialist III	RC-062-18	13823
Environmental Protection Specialist IV	RC-062-22	13824
Financial Institution Examiner I	RC-062-16	14971
Financial Institution Examiner II	RC-062-19	14972
Financial Institution Examiner III	RC-062-22	14973
Financial Institution Examiner Trainee	RC-062-13	14978
Flight Safety Coordinator	RC-062-21	15640
Forensic Scientist I	RC-062-18	15891
Forensic Scientist II	RC-062-20	15892
Forensic Scientist III	RC-062-22	15893
Forensic Scientist Trainee	RC-062-15	15897
Guardianship Representative	RC-062-17	17710
Habilitation Program Coordinator	RC-062-17	17960
Handicapped Services Representative I	RC-062-11	17981
~~Health and Safety Officer I~~	~~RC-062-14~~	~~18001~~
~~Health and Safety Officer II~~	~~RC-062-16~~	~~18002~~
~~Health and Safety Officer Trainee~~	~~RC-062-10~~	~~18006~~
Health Facilities Surveyor I	RC-062-16	18011
Health Facilities Surveyor II	RC-062-19	18012
Health Facilities Surveyor III	RC-062-20	18013
Health Planning Specialist I	RC-062-19	18154
Health Planning Specialist II	RC-062-22	18155
Health Services Investigator I – Opt. A	RC-062-19	18181
Health Services Investigator I – Opt. B	RC-062-20	18182
Health Services Investigator II – Opt. A	RC-062-22	18185
Health Services Investigator II – Opt. B	RC-062-22	18186
Health Services Investigator II – Opt. C	RC-062-25	18187
Health Services Investigator II – Opt. D	RC-062-25	18188
Historical Documents Conservator I	RC-062-13	18981
Historical Research Editor II	RC-062-14	19002
Human Relations Representative	RC-062-16	19670
Human Rights Investigator I	RC-062-15	19774
Human Rights Investigator II	RC-062-17	19775
Human Rights Investigator III	RC-062-18	19776
Human Rights Specialist I	RC-062-14	19778
Human Rights Specialist II	RC-062-16	19779
Human Services Caseworker	RC-062-16	19785

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Human Services Grants Coordinator I	RC-062-14	19791
Human Services Grants Coordinator II	RC-062-17	19792
Human Services Grants Coordinator III	RC-062-20	19793
Human Services Grants Coordinator Trainee	RC-062-12	19796
Human Services Sign Language Interpreter	RC-062-16	19810
Iconographer	RC-062-12	19880
Industrial Services Consultant I	RC-062-14	21121
Industrial Services Consultant II	RC-062-16	21122
Industrial Services Consultant Trainee	RC-062-11	21125
Industrial Services Hygienist	RC-062-19	21127
Industrial Services Hygienist Technician	RC-062-16	21130
Industrial Services Hygienist Trainee	RC-062-12	21133
Information Technology/Communication Systems Specialist I	RC-062-19	21216
Information Technology/Communication Systems Specialist II	RC-062-24	21217
Instrument Designer	RC-062-18	21500
Insurance Analyst III	RC-062-14	21563
Insurance Analyst IV	RC-062-16	21564
Insurance Company Claims Examiner II	RC-062-19	21602
Insurance Company Field Staff Examiner	RC-062-16	21608
Insurance Company Financial Examiner Trainee	RC-062-13	21610
Insurance Performance Examiner I	RC-062-14	21671
Insurance Performance Examiner II	RC-062-16	21672
Insurance Performance Examiner III	RC-062-20	21673
Intermittent Unemployment Insurance Representative	RC-062-12H	21689
Internal Auditor I	RC-062-17	21721
Labor Conciliator	RC-062-20	22750
Laboratory Equipment Specialist	RC-062-18	22990
Laboratory Quality Specialist I	RC-062-19	23021
Laboratory Quality Specialist II	RC-062-21	23022
Laboratory Research Specialist I	RC-062-19	23027
Laboratory Research Specialist II	RC-062-21	23028
Land Acquisition Agent I	RC-062-15	23091
Land Acquisition Agent II	RC-062-18	23092
Land Acquisition Agent III	RC-062-21	23093
Land Reclamation Specialist I	RC-062-14	23131
Land Reclamation Specialist II	RC-062-17	23132
Liability Claims Adjuster I	RC-062-14	23371
Library Associate	RC-062-12	23430
Life Sciences Career Trainee	RC-062-12	23600
Liquor Control Special Agent II	RC-062-15	23752

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Local Historical Services Representative	RC-062-17	24000
Local Housing Advisor I	RC-062-14	24031
Local Housing Advisor II	RC-062-16	24032
Local Housing Advisor III	RC-062-18	24033
Local Revenue and Fiscal Advisor I	RC-062-15	24101
Local Revenue and Fiscal Advisor II	RC-062-17	24102
Local Revenue and Fiscal Advisor III	RC-062-19	24103
Lottery Sales Representative	RC-062-16	24515
Management Operations Analyst I	RC-062-18	25541
Management Operations Analyst II	RC-062-20	25542
Manpower Planner I	RC-062-14	25591
Manpower Planner II	RC-062-17	25592
Manpower Planner III	RC-062-20	25593
Manpower Planner Trainee	RC-062-12	25597
Medical Assistance Consultant I	RC-062-13	26501
Medical Assistance Consultant II	RC-062-16	26502
Medical Assistance Consultant III	RC-062-19	26503
Mental Health Specialist I	RC-062-12	26924
Mental Health Specialist II	RC-062-14	26925
Mental Health Specialist III	RC-062-16	26926
Mental Health Specialist Trainee	RC-062-11	26928
Meteorologist	RC-062-18	27120
Methods and Procedures Advisor I	RC-062-14	27131
Methods and Procedures Advisor II	RC-062-16	27132
Methods and Procedures Career Associate I	RC-062-11	27135
Methods and Procedures Career Associate II	RC-062-12	27136
Methods and Procedures Career Associate Trainee	RC-062-09	27137
Metrologist Associate	RC-062-15	27146
Microbiologist I	RC-062-16	27151
Microbiologist II	RC-062-19	27152
Natural Resources Advanced Specialist	RC-062-20	28833
Natural Resources Coordinator	RC-062-15	28831
Natural Resources Specialist	RC-062-18	28832
Network Control Center Specialist	RC-062-21	28873
Network Control Center Technician I	RC-062-13	28875
Network Control Center Technician II	RC-062-16	28876
Network Control Center Technician Trainee	RC-062-10	28879
Paralegal Assistant	RC-062-14	30860
Police Training Specialist	RC-062-17	32990
Program Integrity Auditor I	RC-062-16	34631

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Program Integrity Auditor II	RC-062-19	34632
Program Integrity Auditor Trainee	RC-062-12	34635
Property Consultant	RC-062-15	34900
Property Tax Analyst I	RC-062-12	34921
Property Tax Analyst II	RC-062-14	34922
Public Aid Appeals Advisor	RC-062-18	35750
Public Aid Family Support Specialist I	RC-062-17	35841
Public Aid Investigator	RC-062-19	35870
Public Aid Investigator Trainee	RC-062-14	35874
Public Aid Lead Casework Specialist	RC-062-17	35880
Public Aid Program Quality Analyst	RC-062-19	35890
Public Aid Quality Control Reviewer	RC-062-17	35892
Public Aid Staff Development Specialist I	RC-062-15	36071
Public Aid Staff Development Specialist II	RC-062-17	36072
Public Health Educator Associate	RC-062-14	36434
Public Health Program Specialist I	RC-062-14	36611
Public Health Program Specialist II	RC-062-16	36612
Public Health Program Specialist Trainee	RC-062-12	36615
Public Information Officer I	RC-062-12	37001
Public Information Officer II	RC-062-14	37002
Public Information Officer III	RC-062-19	37003
Public Information Officer IV	RC-062-21	37004
Public Safety Inspector	RC-062-16	37007
Public Safety Inspector Trainee	RC-062-10	37010
Railroad Safety Specialist I	RC-062-19	37601
Railroad Safety Specialist II	RC-062-21	37602
Railroad Safety Specialist III	RC-062-23	37603
Railroad Safety Specialist IV	RC-062-25	37604
Real Estate Investigator	RC-062-19	37730
Real Estate Professions Examiner	RC-062-22	37760
Recreation Worker I	RC-062-12	38001
Recreation Worker II	RC-062-14	38002
Rehabilitation Counselor	RC-062-17	38145
Rehabilitation Counselor Senior	RC-062-19	38158
Rehabilitation Counselor Trainee	RC-062-15	38159
Rehabilitation Services Advisor I	RC-062-20	38176
Rehabilitation Workshop Supervisor I	RC-062-12	38194
Rehabilitation Workshop Supervisor II	RC-062-14	38195
Reimbursement Officer I	RC-062-14	38199
Reimbursement Officer II	RC-062-16	38200

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Research Economist I	RC-062-18	38207
Research Scientist I	RC-062-13	38231
Research Scientist II	RC-062-16	38232
Research Scientist III	RC-062-20	38233
Resource Planner I	RC-062-17	38281
Resource Planner II	RC-062-19	38282
Resource Planner III	RC-062-22	38283
Revenue Auditor I (IL)	RC-062-16	38371
Revenue Auditor I (states other than IL, CA or NJ)	RC-062-19	38371
Revenue Auditor I (CA or NJ)	RC-062-21	38371
Revenue Auditor II (IL)	RC-062-19	38372
Revenue Auditor II (states other than IL, CA or NJ)	RC-062-22	38372
Revenue Auditor II (CA or NJ)	RC-062-24	38372
Revenue Auditor III (IL)	RC-062-22	38373
Revenue Auditor III (states other than IL, CA or NJ)	RC-062-24	38373
Revenue Auditor III (CA or NJ)	RC-062-26	38373
Revenue Auditor Trainee	RC-062-12	38375
Revenue Collection Officer I	RC-062-15	38401
Revenue Collection Officer II	RC-062-17	38402
Revenue Collection Officer III	RC-062-19	38403
Revenue Collection Officer Trainee	RC-062-12	38405
Revenue Computer Audit Specialist (IL)	RC-062-23	38425
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	RC-062-25	38425
Revenue Computer Audit Specialist (CA or NJ)	RC-062-27	38425
Revenue Senior Special Agent	RC-062-23	38557
Revenue Special Agent	RC-062-19	38558
Revenue Special Agent Trainee	RC-062-14	38565
Revenue Tax Specialist I	RC-062-12	38571
Revenue Tax Specialist II	RC-062-14	38572
Revenue Tax Specialist III	RC-062-17	38573
Revenue Tax Specialist Trainee	RC-062-10	38575
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Site Interpretive Coordinator	RC-062-13	41093
Site Services Specialist I	RC-062-15	41117
Site Services Specialist II	RC-062-17	41118
Social Service Consultant I	RC-062-18	41301
Social Service Consultant II	RC-062-19	41302
Social Service Program Planner I	RC-062-15	41311
Social Service Program Planner II	RC-062-17	41312

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Social Service Program Planner III	RC-062-20	41313
Social Service Program Planner IV	RC-062-22	41314
Social Services Career Trainee	RC-062-12	41320
Social Worker I	RC-062-16	41411
Staff Development Technician I	RC-062-12	41781
State Police Field Specialist I	RC-062-18	42001
State Police Field Specialist II	RC-062-20	42002
Statistical Research Specialist I	RC-062-12	42741
Statistical Research Specialist II	RC-062-14	42742
Statistical Research Specialist III	RC-062-17	42743
Storage Tank Safety Specialist	RC-062-18	43005
Telecommunications Specialist	RC-062-15	45295
Telecommunications Systems Analyst	RC-062-17	45308
Telecommunications Systems Technician I	RC-062-10	45312
Telecommunications Systems Technician II	RC-062-13	45313
Unemployment Insurance Adjudicator I	RC-062-11	47001
Unemployment Insurance Adjudicator II	RC-062-13	47002
Unemployment Insurance Adjudicator III	RC-062-15	47003
Unemployment Insurance Revenue Analyst I	RC-062-15	47081
Unemployment Insurance Revenue Analyst II	RC-062-17	47082
Unemployment Insurance Revenue Specialist	RC-062-13	47087
Unemployment Insurance Special Agent	RC-062-18	47096
Veterans Educational Specialist I	RC-062-15	47681
Veterans Educational Specialist II	RC-062-17	47682
Veterans Educational Specialist III	RC-062-21	47683
Veterans Employment Representative I	RC-062-14	47701
Veterans Employment Representative II	RC-062-16	47702
Vocational Assessment Specialist	RC-062-18	48160
Volunteer Services Coordinator I	RC-062-13	48481
Volunteer Services Coordinator II	RC-062-16	48482
Wage Claims Specialist	RC-062-09	48770
Weatherization Specialist I	RC-062-14	49101
Weatherization Specialist II	RC-062-17	49102
Weatherization Specialist III	RC-062-20	49103
Weatherization Specialist Trainee	RC-062-12	49105

Effective July 1, 2003

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RC-062-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-062-09Q	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-062-09S	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-062-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-062-10Q	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-062-10S	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-062-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-062-11Q	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-062-11S	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-062-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-062-12Q	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-062-12S	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-062-12H	14.77	15.14	15.52	15.91	16.50	17.05	17.69	18.26	18.94	19.96	20.36	20.55
RC-062-12HQ	15.14	15.52	15.91	16.33	16.94	17.50	18.18	18.79	19.48	20.54	20.95	21.15
RC-062-12HS	15.46	15.83	16.23	16.66	17.27	17.83	18.52	19.14	19.84	20.90	21.32	21.53
RC-062-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-062-13Q	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-062-13S	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-062-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-062-14Q	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-062-14S	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-062-14H	15.93	16.34	16.78	17.23	17.89	18.58	19.40	20.10	20.87	22.08	22.52	22.74
RC-062-14HQ	16.34	16.78	17.23	17.69	18.39	19.13	19.96	20.70	21.50	22.74	23.20	23.43
RC-062-14HS	16.67	17.11	17.56	18.03	18.74	19.48	20.31	21.06	21.86	23.11	23.57	23.80
RC-062-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-062-15Q	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-062-15S	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-062-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-062-16Q	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215

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RC-062-16S	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-062-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-062-17Q	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-062-17S	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-062-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-062-18Q	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690
RC-062-18S	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-062-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-062-19Q	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-062-19S	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-062-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116
RC-062-20Q	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271
RC-062-20S	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330
RC-062-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-062-21Q	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-062-21S	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656
RC-062-22	3822	3937	4056	4177	4394	4609	4827	5050	5261	5587	5699	5755
RC-062-22Q	3937	4056	4177	4302	4526	4748	4971	5201	5419	5755	5870	5928
RC-062-22S	3997	4114	4237	4363	4584	4808	5029	5260	5480	5815	5931	5989
RC-062-23	4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6078	6138
RC-062-23Q	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6260	6321
RC-062-23S	4237	4363	4491	4624	4865	5111	5350	5594	5835	6197	6321	6383
RC-062-24	4315	4444	4577	4715	4966	5225	5476	5729	5988	6363	6490	6554
RC-062-24Q	4444	4577	4715	4858	5116	5381	5641	5901	6167	6555	6686	6752
RC-062-24S	4504	4637	4775	4918	5174	5440	5700	5961	6228	6614	6746	6812
RC-062-25	4599	4737	4879	5025	5301	5580	5858	6137	6416	6828	6965	7033
RC-062-25Q	4737	4879	5025	5175	5460	5746	6034	6322	6608	7032	7173	7243
RC-062-25S	4798	4938	5086	5235	5520	5805	6093	6381	6667	7092	7234	7305

Effective December 2, 2004

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	STEPS										
	1c	1b	1a	1	2	3	4	5	6	7	8
RC-062-26	4861	5007	5158	5365	5657	5956	6259	6550	6844	7287	7506

Effective January 1, 2005
RC-062

	STEPS										
	1c	1b	1a	1	2	3	4	5	6	7	8
09	2204	2258	2313	2370	2444	2523	2600	2683	2763	2893	2979
09Q	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
09S	2327	2384	2441	2500	2576	2659	2741	2829	2913	3050	3141
10	2274	2330	2388	2447	2536	2612	2698	2783	2870	3016	3107
10Q	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218
10S	2399	2458	2518	2579	2672	2754	2844	2932	3026	3184	3280
11	2356	2414	2475	2537	2624	2709	2806	2899	2989	3147	3242
11Q	2432	2493	2555	2620	2713	2802	2902	2999	3095	3261	3359
11S	2486	2546	2608	2673	2768	2856	2957	3056	3154	3320	3420
12	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
12Q	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532
12S	2581	2644	2711	2781	2883	2978	3093	3197	3313	3490	3595
12H	15.06	15.44	15.83	16.23	16.83	17.39	18.04	18.63	19.32	20.36	20.97
12HQ	15.56	15.94	16.35	16.78	17.40	17.98	18.68	19.30	20.02	21.10	21.74
12HS	15.88	16.27	16.68	17.11	17.74	18.33	19.03	19.67	20.39	21.48	22.12
13	2537	2601	2668	2738	2839	2947	3058	3170	3287	3471	3575
13Q	2620	2688	2758	2831	2936	3051	3170	3285	3407	3601	3709
13S	2673	2742	2813	2886	2992	3109	3229	3345	3469	3663	3773
14	2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770
14Q	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14S	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
14H	16.25	16.67	17.12	17.58	18.25	18.95	19.78	20.50	21.29	22.52	23.20
14HQ	16.79	17.24	17.70	18.18	18.89	19.65	20.50	21.27	22.09	23.37	24.07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14HS	17.13	17.58	18.04	18.53	19.26	20.01	20.87	21.64	22.46	23.74	24.46
15	2742	2815	2891	2969	3099	3227	3354	3491	3621	3838	3954
15Q	2836	2912	2991	3074	3211	3345	3479	3624	3757	3982	4101
15S	2890	2966	3048	3133	3271	3403	3542	3684	3817	4043	4164
16	2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174
16Q	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16S	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394
17	2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17Q	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17S	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619
18	3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18Q	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
18S	3317	3411	3514	3615	3790	3963	4140	4307	4478	4739	4881
19	3309	3405	3506	3612	3796	3975	4161	4334	4516	4789	4933
19Q	3430	3532	3638	3747	3938	4122	4318	4497	4686	4969	5118
19S	3491	3595	3701	3809	4001	4185	4378	4560	4748	5030	5181
20	3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20Q	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
20S	3686	3796	3907	4022	4221	4415	4622	4819	5016	5317	5477
21	3688	3800	3914	4029	4236	4441	4649	4861	5063	5378	5540
21Q	3827	3943	4059	4180	4397	4607	4824	5043	5254	5581	5749
21S	3889	4004	4120	4244	4457	4669	4886	5105	5314	5642	5812
22	3898	4016	4137	4261	4482	4701	4924	5151	5366	5699	5870
22Q	4045	4168	4292	4420	4650	4879	5108	5344	5568	5913	6091
22S	4107	4227	4354	4483	4710	4940	5167	5405	5631	5975	6154
23	4137	4261	4388	4519	4758	5002	5240	5481	5720	6078	6261
23Q	4292	4420	4552	4691	4938	5191	5435	5686	5934	6306	6495
23S	4354	4483	4615	4751	4999	5252	5497	5748	5995	6367	6559

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

24	4401	4533	4669	4809	5065	5330	5586	5844	6108	6490	6685
24Q	4566	4703	4845	4992	5257	5529	5796	6063	6337	6735	6938
24S	4628	4765	4906	5053	5316	5590	5857	6125	6399	6796	6999
25	4691	4832	4977	5126	5407	5692	5975	6260	6544	6965	7174
25S	4867	5013	5163	5317	5610	5904	6200	6496	6790	7225	7442
25Q	4930	5074	5226	5379	5672	5965	6261	6556	6850	7287	7506
26	4958	5107	5261	5472	5770	6075	6384	6681	6981	7433	7656
27	5241	5398	5561	5839	6157	6482	6812	7129	7449	7931	8169

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 7840, effective May 10, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 10, 2005 through May 16, 2005 and have been scheduled for review by the Committee at its June 14, 2005 meeting in Chicago. 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
6/23/05	Environmental Protection Agency, Procedures and Requirements for Revising Water Quality Management Plans (35 Ill. Adm. Code 351)	7/30/04 28 Ill. Reg. 10486	6/14/05
6/24/05	Illinois Gaming Board, Riverboat Gambling (86 Ill. Adm. Code 3000)	10/1/04 28 Ill. Reg. 13149	6/14/05
6/24/05	Department of Natural Resources, White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)	2/25/05 29 Ill. Reg. 2919	6/14/05
6/24/05	Department of Natural Resources, White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)	2/25/05 29 Ill. Reg. 2946	6/14/05
6/24/05	Department of Revenue, Income Tax (86 Ill. Adm. Code 100)	2/25/05 29 Ill. Reg. 2988	6/14/05
6/26/05	Board of Examiners, Certificate of Certified Public Accountant (23 Ill. Adm. Code 1400)	12/27/04 28 Ill. Reg. 16435	6/14/05
6/26/05	Department of Financial and Professional Regulation, Illinois Credit Union Act (38 Ill. Adm. Code 190)	3/25/05 29 Ill. Reg. 4431	6/14/05

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $1,500 against Regal Mortgage, Inc., License No. MB.0000997 of Lisle, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $500 against EZM Mortgage, Inc., License No. MB.0005457 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $1,000 against Covenant Financial Mortgage Co., License No. MB.0005646 of South Holland, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $5,000 against First Choice Lending Corp., License No. MB.0006121 of Arlington Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $10,000 against Exceptional Enterprise, Inc., License No. MB.0006435 of Hinsdale, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $3,800 against C-Cess (Success) Mortgage Corporation, License No. MB.0006676 of Westchester, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $8,500 against All America Reverse Mortgage, LLC, License No. MB.0006759064 of Palatine, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 7, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $1,000 against Mortgage Gallery, Inc., License No. MB.0006874 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Exceptional Enterprise, Inc., License No. MB.0006435 of Hinsdale, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Covenant Financial Mortgage Co., License No. MB.0005646 of South Holland, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has revoked the license of Country & Sol Mortgage, LLC, License No. MB.0006236 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REPRIMAND IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h)(4) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a reprimand against Acceptance Mortgage, Corp., License No. MB.0005367 of Hinsdale, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 6, 2005. For further reference link to: http://www.obre.state.il.us/

PROCLAMATIONS

2005-168

FITNESS DAY

WHEREAS, physical fitness is vital to a healthy lifestyle. During Fitness Day, we highlight the importance of integrating exercise in our daily routines and encourage all citizens to live more active lives; and

WHEREAS, physical fitness benefits both the body and the mind. Regular exercise, along with healthy eating habits, helps prevent serious health problems, improves productivity, and promotes better sleep and relaxation. Maintaining an active lifestyle reduces the risk of chronic diseases such as obesity, diabetes, asthma, heart disease, and certain cancers. Americans can improve their health and well-being by dedicating a small part of each day to physical activity; and

WHEREAS, as children grow, athletic activities teach them important life lessons and help prepare them for the opportunities ahead. Sports are a way for young Americans to meet new friends, discover the value of teamwork, discipline, and patience, and learn to win and lose with respect for others. From baseball to mountain biking to swimming, sports and physical fitness activities can be a great chance to get outdoors and enjoy memorable experiences with family and friends; and

WHEREAS, my administration is proud to join the Department of Public Health in raising the awareness of the benefits of physical fitness, and urging all Americans to set aside time to improve their health through physical fitness, as well as to encourage individuals to help motivate their family and friends to get out and exercise. By contributing to a culture of health and well-being in America, citizens help demonstrate the strength and character of our great State, and country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18, 2005 as **FITNESS DAY** in Illinois, and encourage all citizens to recognize the importance of physical fitness in maintaining a healthy lifestyle.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-169

NATIONAL PUBLIC WORKS WEEK

WHEREAS, public works infrastructure, facilities and services are of vital importance to the health, safety and well being of the people of Illinois, and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, and administrators, representing State and local units of government, who are responsible for and must design, build, operate, and maintain the

transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serving our citizens; and

WHEREAS, it is in the public interest for the citizens and civic leaders of this country to gain knowledge of, and to maintain a progressive interest in public works needs and programs of their respective communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15-21, 2005 as **NATIONAL PUBLIC WORKS WEEK** in Illinois, and encourage all citizens to recognize the benefit of public works in our State.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-170

CORNELIA DE LANGE SYNDROME AWARENESS DAY

WHEREAS, Cornelia de Lange Syndrome (CdLS) is a congenital syndrome, meaning it is present from birth. Most of the signs and symptoms may be recognized at birth or shortly thereafter; and

WHEREAS, children with CdLS are usually born with low birth weight and develop at a slower rate, both mentally and physically, and possess other physical complications. Presently, many dedicated medical professionals are involved in valuable research and education activities to explore new possibilities and to offer hope; and

WHEREAS, as with other syndromes, individuals with CdLS strongly resemble one another. Common characteristics include: low birthweight (often under five pounds), slow growth and small stature, and small head size (microcephaly). Typical facial features include thin eyebrows which frequently meet at midline (synophrys), long eyelashes, short upturned nose and thin, downturned lips; and

WHEREAS, other frequent findings include excessive body hair (hirsutism), small hands and feet, partial joining of the second and third toes, incurved fifth fingers, gastroesophageal reflux, seizures, heart defects, cleft palate, bowel abnormalities, feeding difficulties, and developmental delay. Limb differences, including missing limbs or portions of limbs, usually fingers, hands or forearms, are also found in some individuals; and

WHEREAS,the State of Illinois is pleased to join the Cornelia de Lange Syndrome Foundation, a non-profit family support organization, in promoting a special celebration which seeks to raise awareness of Cornelia de Lange Syndrome, designed to have a positive and productive impact on the lives of people with CdLS and their caregivers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14, 2005 as **CORNELIA DE LANGE SYNDROME AWARENESS DAY** in

Illinois, and encourage all citizens to recognize this rare birth defect in order to create awareness and hope for those who have CdLS.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-171

ALS AWARENESS MONTH

WHEREAS, amyotrophic lateral sclerosis (ALS), most commonly known as Lou Gehrig's Disease, is a "progressive fatal neurodegenerative disease that attacks the motor neurons making even the simplest movements – walking, speaking, gesturing- nearly impossible;" and

WHEREAS, named after former New York Yankees first baseman Lou Gehrig, an ALS sufferer who was forced to prematurely retire from the game of baseball in 1939, ALS is a debilitating disease, generally resulting in paralysis; and

WHEREAS, approximately 15 new cases of ALS are diagnosed every day, with a person losing their battle with the disease every 90 minutes; and

WHEREAS, the ALS Association (ALSA) estimates that at any given time, 994 people in Illinois are afflicted with ALS; and

WHEREAS, ALSA is the only national not-for-profit voluntary health organization dedicated solely to the fight against ALS; and

WHEREAS, in May 2000, ALSA launched a new research initiative, The Lou Gehrig Challenge: Cure ALS Research Program, designed to identify and fund new research initiatives; and

WHEREAS, last year through their national signature event, Walk to D'feet ALS, as well as through memorial contributions, grants, partnerships and the United Way, ALSA raised $600,000 to support new research and programs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as **ALS AWARENESS MONTH** in Illinois, and urge all citizens to support the efforts of ALSA and other organizations dedicated to ending this ravishing disease.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-172

NATIONAL TRANSPORTATION WEEK

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation's economy, and strengthens our nation's security; and

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness on the significant nature transportation plays in the nation's economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women's Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts weren't officially honored until 1962; and

WHEREAS, the annual National Transportation Week Conference and Expo will culminate the week's events:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15-21, 2005 as **NATIONAL TRANSPORTATION WEEK** in Illinois, and commend the outstanding accomplishments of the men and women who keep our transportation systems going, whether they be the distributors that transport goods, or the laborers of our highways.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-173

NORWEGIAN CONSTITUTION DAY

WHEREAS, this year commemorates the 189th Anniversary of the signing of the Norwegian Constitution on May 17, 1814; and

WHEREAS, on this day, Norway established its own constitution under a joint monarchy with Sweden, ending centuries of discontentment as a dependent country; and

WHEREAS, known as Norway's national day or day of liberation, May 17th has been celebrated since the 1820's; and

WHEREAS, founded in 1899, NNL is the umbrella organization for all Norwegian groups in the Chicagoland area; and

WHEREAS, the Norwegian National League (NNL) will sponsor this year's Norwegian Constitution Day celebration and parade; and

WHEREAS, former prime minister and parliamentary leader of the committee of foreign affairs, Torbjorn Jagland, will be the Honorary Grand Marshal at the parade in Park Ridge, just one of the many activities being held to celebrate this event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaimMay 17, 2005 as **NORWEGIAN CONSTITUTION DAY** in Illinois, and join the Norwegian-American community in honoring this day of community pride and unity.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-174

NATIONAL HISTORIC PRESERVATION MONTH

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the theme for National Historic Preservation Month 2005 is "Restore America: Communities at a Crossroads," cosponsored by the Historic Preservation Foundation and the National Trust for Historic Preservation:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as **NATIONAL HISTORIC PRESERVATION MONTH** in Illinois, and encourage all citizens of Illinois to recognize and participate in this special observance.

Issued by the Governor May 10, 2005.
Filed by the Secretary of State May 10, 2005.

2005-175

ONE CHURCH ONE CHILD DAY

WHEREAS, the One Church One Child program is a model for foster and adoptive family recruitment, advocacy and mentorship; and

WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for children whose natural parents cannot provide them with care; and

WHEREAS, in 1980, One Church One Child was conceptualized when Father George Clements was made aware of the crisis among African-American Children in the welfare system. Father Clements, along with a coalition of ministers and child welfare administrators, set out to spread the word that there was a dire need for adoptive families for African-American children; and

WHEREAS, in 1993, P.A. 87-1148 created the One Church One Child Advisory Board. The primary purpose of the board is to advise the Illinois Department of Children and Family Services on the placement of children by encouraging African-American churches to help find

permanent homes for African-American children waiting to be adopted. Currently, the advisory board consists of 25 Ecumenical ministers located throughout the State; and

WHEREAS, from an astonishing high of 50,000 children needing homes to the current 18,500 level, the One Church One Child Adoption Advocacy Program has been instrumental in reducing those numbers. With that said, forty percent of the children in care are in the 13-20 year old age group. While the specific goals of these children have changed from permanency to independence, the One Church One Child program focus is once again centered on adoption permanency. To fulfill this goal the mission of the program is "to find one family in each church to adopt or provide foster care to at least one child"; and

WHEREAS, my administration proudly joins One Church One Child in accomplishing their important goals. Since the beginning of my administration in 2003, we have worked hard to improve the quality of life and enhance opportunities for young people in Illinois. Fine programs such as One Church One Child are instrumental in that ongoing mission:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Monday, May 17, 2005 as **ONE CHURCH ONE CHILD DAY** in Illinois, and encourage all citizens to recognize the great things that this fine program does for the children in this State.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-176

ILLINOIS MEDICAL CODERS DAY

WHEREAS, medical coders succeed by identifying and addressing patterns of disease, illness and injury in populations, as well as by identifying the trends and patterns in the procedures and services they provide by reviewing all tests, diagnoses, results, medications and translating them to a numerical value; and

WHEREAS, the use of medical codes for disease and injury prevention has contributed to understanding correlations in illness and injury to treatment, including heart disease, stroke, viral infections, infectious diseases, and motor vehicle and workplace injuries; and

WHEREAS, medical coders help preserve the history of communities through the abstracting of information from birth and death records; and

WHEREAS, over the past decade, medical coders have achieved significant milestones in the sophistication of their profession through extensive education and training; and

WHEREAS, the need for qualified medical coders continues to increase nationally in physician offices, outpatient and hospital settings; and

WHEREAS, the integrity and high standards of medical coders have contributed to the U.S. Department of Health and Human Services' campaign against fraud and abuse in medical reimbursement; and

WHEREAS, my administration is proud to recognize medical coders for all their hard work in this State, and throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18, 2005 as **ILLINOIS MEDICAL CODERS DAY** in Illinois, and encourage all citizens to recognize and honor the medical coders for their hard work in our communities.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-177

KIDS DAY AMERICA/INTERNATIONAL

WHEREAS, Kids Day America/International is a special day that Chiropractors' offices around the world host every year to teach kids about health, safety and the environment; and

WHEREAS, Kids Day America/International offers children a fun atmosphere where they can not only learn, but also win prizes and enjoy recreational activities; and

WHEREAS, the day's educational safety activities includes local police and fire officials teaching children proper bicycle helmet safety and fire and smoke safety; and

WHEREAS, during Kids Day America/International, kids also learn about healthy eating and exercise habits, as well as the negative effects that drugs and alcohol can have on a person's health. Additionally, children can get a free spinal health examination from local Chiropractors; and

WHEREAS, additionally, this event teaches children about pollution control, and how they can help the environment by recycling and performing other environmentally conscious activities; and

WHEREAS, with the aid of local police and sheriff's departments, every child that attends Kids Day America/International has the opportunity to complete their very own Child Safety ID Card, which is an important measure in keeping our children safe; and

WHEREAS, this year's Kids Day America/International in Illinois is being held on May 14, 2005 in Peoria. It will provide children with information on vital issues in our society, and help to make them safer, healthier and more environmentally conscious citizens of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14, 2005 as **KIDS DAY AMERICA/INTERNATIONAL** in Illinois, and encourage all citizens to support events that help the children of Illinois to become better educated, and more well-rounded individuals.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-178

EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, the members of emergency medical services teams devote their time and energy to providing lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15-21, 2005 as **EMERGENCY MEDICAL SERVICES WEEK** in Illinois, and encourage all citizens to recognize the dedication and lifesaving work that the men and women of emergency medical services teams provide to the communities of this State.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-179

EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) focuses on the specific attention that children need in medical and traumatic emergencies; and

WHEREAS, EMSC supports a specialized approach to pediatric care; and

WHEREAS, EMSC endorses the high-level emergency care given by emergency medical services providers, with pediatric emergency skills, who are prepared to respond, and restore, sick or injured children to an optimum level of health; and

WHEREAS, EMSC espouses the tenets and practices of family-centered and culturally competent care for children and their families; and

WHEREAS, EMSC assists in training with advanced technical equipment and services in preparation to save the life of a child; and

WHEREAS, EMSC works with physicians, nurses, social workers, psychologists, emergency medical technicians, paramedics, firefighters, educators, administrators and others to identify and address issues surrounding pediatric care; and

WHEREAS, EMSC assists in the development of training programs and guidelines for emergency care providers, so that children with special health care needs get timely, appropriate care; and

WHEREAS, the State of Illinois proudly recognizes these dedicated men and women of EMSC for aiding and saving the lives of Illinois' children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18, 2005 as **EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY** in Illinois, and encourage all citizens to commend those that use their advanced training and talents to help children in times of crisis.

Issued by the Governor May 10, 2005.

Filed by the Secretary of State May 10, 2005.

2005-180

RATE YOUR FUTURE WEEK

WHEREAS, in the knowledge-based economy of the future, all good jobs will require education, skills and training that go beyond high school; and

WHEREAS, young adults going to college or beginning a career must leave high school with a solid foundation for success; and

WHEREAS, America's high schools have not undergone a thorough re-examination in more than a century; and

WHEREAS, the National Governors Association's chairman's initiative has focused on "Redesigning the American High School" to ensure that every high school student graduates prepared for college or a high-skilled job; and

WHEREAS, students are an important voice in the debate about overhauling high school, and their input should frame the redesign discussion; and

WHEREAS, the National Governors Association is promoting an online survey encouraging American high school students to rate their high school experience at www.rateyourfuture.org; and

WHEREAS, final results of the survey will be shared with the nation's governors this summer at the NGA Annual Meeting; and

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16-20, 2005 as **RATE YOUR FUTURE WEEK** in Illinois, and encourage all citizens to support and promote these efforts to enhance the success of young people in Illinois, and across the country.

Issued by the Governor May 12, 2005.

Filed by the Secretary of State May 12, 2005.

2005-181

SCHOOL COUNSELOR WEEK

WHEREAS, school counselors offer support and guidance for many middle and high school aged children in regular and special education settings, working tirelessly to help adolescents realize their potential, both academically and socially; and

WHEREAS, by providing opportunities for students to develop leadership skills, to apply for scholarships, to develop special interests, and to understand their strengths and weaknesses, school counselors are helping students develop skills that are necessary for a successful future; and

WHEREAS, in addition to their work with the students, school counselors help teachers and administrators provide curricula which stresses developmental and career goals, providing the youth with a smooth transition from student life to professional life; and

WHEREAS, school counselors work closely with parents and outside agencies to ensure that the best interests of each child is being met:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 23-27, 2005 as **SCHOOL COUNSELOR WEEK** in Illinois, and encourage all citizens to recognize the efforts of the school counselors in this State who are helping to shape and mold the minds of our future leaders.

Issued by the Governor May 12, 2005.

Filed by the Secretary of State May 12, 2005.

2005-182

ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY

WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who came to the United States during the great Italian migration (1880-1923); and

WHEREAS, their aim was to create a support system for all Italian immigrants that would assist them in becoming U.S. citizens, and providing their health/death benefits and educational opportunities; and

WHEREAS, over the years, the OSIA has achieved much success in their goals of serving the public. Not only have they established free schools and centers to teach immigrants English and to help them become citizens, but they have also instituted orphanages and homes for the elderly, and helped to raise money for those in need; and

WHEREAS, to date, OSIA members have given more than $83 million to educational programs, disaster relief, cultural advancement and medical research; and

WHEREAS, the National Council of the Order Sons of Italy in America has adopted Alzheimer's disease as one of its primary charities, and plans to support this cause by implementing a fund raising campaign throughout the nation; and

WHEREAS, joining their cause will be the Alzheimer's Association, a group that provides services to Alzheimer's patients and their families; and

WHEREAS, together, they will be holding the Illinois portion of this benevolent fundraiser on May 21, 2005. Members of the Order, along with other volunteers, will be collecting donations to help the 2.5 million Americans affected by this debilitating disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 21, 2005 as **ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY** in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.

Issued by the Governor May 12, 2005.

Filed by the Secretary of State May 12, 2005.

2005-183

NATIONAL MARITIME DAY

WHEREAS, first observed in 1933, National Maritime Day commemorates the first voyage of a steamship across the Atlantic Ocean; and

WHEREAS, the S. S. Savannah departed, for what eventually became a 29-day journey, on May 22, 1819, sailing from Savannah, Georgia to Liverpool, England; and

WHEREAS, this historic voyage marked the beginning of the steamship age in maritime history; and

WHEREAS, according to information provided by the U.S. Department of Transportation's Maritime Administration, in March 2004, more than 80 percent of the military cargo shipped to the Middle East in support of the United States Armed Forces during the Iraqi conflict arrived via U.S. flag commercial or government vessels; and

WHEREAS, we pay tribute to the men and women of the United States Merchant Marines, serving the country with valor and strength, who have contributed significantly to the strength and economic growth of our nation; and

WHEREAS, we salute the countless number of seamen who have lost their lives in World Wars I and II and other conflicts that have taken place throughout the history of our country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22, 2005 as **NATIONAL MARITIME DAY** in Illinois, and encourage all citizens to recognize the important roles the Merchant Marines play in ensuring the safety and economic prosperity of our great nation.

Issued by the Governor May 12, 2005.

Filed by the Secretary of State May 12, 2005.

2005-184

ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM DAY

WHEREAS, for more than twenty-five years, the Illinois Governmental Internship Program (IGIP) has provided over 1,400 students with a most significant educational experience; and

WHEREAS, students in IGIP become more self-confident and aware of their own skills and abilities as they explore their career interests while working in a professional setting; and

WHEREAS, IGIP interns develop a better understanding of government and its interaction with the public; and

WHEREAS, one of the most valuable things IGIP participants gain is real world experience. There is responsibility and independence involved, and interns are treated as adults with the expectations of adult behavior; and

WHEREAS, students often gain direction through the IGIP experience. Many go on to college with a much better understanding of the day to day activity of the career field they wish to pursue; and

WHEREAS, as a means of applying their IGIP experience to their future personal and professional aspirations, interns are required to develop performance goals identifying areas of anticipated academic and personal growth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14, 2005 as ***ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM DAY*** *in Illinois, and encourage all citizens to recognize the important role that IGIP plays in the educational and personal development of talented young adults.*

Issued by the Governor May 12, 2005.
Filed by the Secretary of State May 12, 2005.

2005-185

PROSTATE CANCER AWARENESS

WHEREAS, Prostate Cancer disproportionately affects the African American community, killing African American men at twice the rate of their white counterparts, and

WHEREAS, the Prostate Awareness Project was undertaken in July 2004 by the Broadcast Ministers Alliance Coalition (BMAC), in concert with the State of Illinois' effort to improve prostate health in targeted communities throughout the State, and

WHEREAS, the purpose of the BMAC Prostate Awareness Project is to identify men, boys and family members within the African American community who are at a greater risk than their Caucasian counterparts for contracting poor prostate health, and for doing so at an earlier age, and

WHEREAS, the BMAC Prostate Awareness Project believes that a cultural change is part of the solution, to move toward a decrease in the higher death rate among African American males, using health care education/awareness as a tool, and

WHEREAS, the BMAC, under the leadership of the Reverend Clay Evans, has done an exemplary job of educating the general public and the African American community through outreach, networking and partnerships:

THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize and commend Reverend Clay Evans and the members of the Broadcast Ministers Coalition of Chicago for their tireless efforts in the area of community health education and Prostate Cancer Awareness.

Issued by the Governor May 12, 2005.
Filed by the Secretary of State May 12, 2005.

ILLINOIS ADMINISTRATIVE CODE
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