

# 2007

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 31, Issue 39  
September 28, 2007  
Pages 13377-13455

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

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

## TABLE OF CONTENTS

September 28, 2007 Volume 31, Issue 39

### PROPOSED RULES

#### OFFICE OF THE STATE FIRE MARSHAL

Storage, Transportation, Sale and Use of Petroleum and Other Regulated  
Substances

41 Ill. Adm. Code 170 .....13377

#### LAW ENFORCEMENT TRAINING AND STANDARDS BOARD, ILLINOIS

Mandatory Firearms Training for Peace Officers

20 Ill. Adm. Code 1730 .....13429

#### NATURAL RESOURCES, DEPARTMENT OF

Public Use of State Parks and Other Properties of the Department of  
Natural Resources

17 Ill. Adm. Code 110 .....13439

#### STUDENT ASSISTANCE COMMISSION, ILLINOIS

Veterans' Home Nurse Loan Repayment Program

23 Ill. Adm. Code 2757 .....13446

### SECOND NOTICES RECEIVED

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....13448

### EMERGENCY RULES

#### STUDENT ASSISTANCE COMMISSION, ILLINOIS

Veterans' Home Nurse Loan Repayment Program

23 Ill. Adm. Code 2757 .....13449

### NOTICE OF CODIFICATION CHANGES

#### SECRETARY OF STATE

Public Information, Rulemaking and Organization (Deleted)

2 Ill. Adm. Code 5075 .....13455

Freedom of Information Act Procedures (Deleted)

2 Ill. Adm. Code 5076 .....13455

Public Information, Rulemaking and Organization (Deleted)

2 Ill. Adm. Code 1600 .....13455

Freedom of Information (Deleted)

2 Ill. Adm. Code 1601 .....13455

## INTRODUCTION

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

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

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

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

### 2007 REGISTER SCHEDULE VOLUME #31

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

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

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Storage: Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
170.400	Amendment
170.411	Amendment
170.420	Amendment
170.421	Amendment
170.425	Amendment
170.520	Amendment
170.530	Amendment
170.541	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements a federal requirement, pursuant to the federal Energy Policy Act of 2005, that State underground storage tank (UST) system regulatory programs receiving federal funding require and implement one of two alternative regulatory compliance measures aimed at reducing the number and impact of releases from USTs. These alternative federal compliance measures are as follows: (1) that all new and replaced tank and piping have secondary containment with interstitial monitoring and under-dispenser containment to contain and detect releases or (2) that owners and operators of UST systems maintain evidence of financial responsibility to cover the cost of corrective action for releases plus meet requirements that underground tank installers utilized are certified or licensed and that tank installations are certified as properly installed and meet manufacturer specifications and appropriate nationally recognized codes of practice.

OSFM has chosen the secondary containment option as the simplest and least costly method of compliance with the federal Energy Policy Act mandates, although licensure of UST installers and certification of installations is currently required under the UST program in Illinois. Current rules also require the utilization of double-wall product piping for all new installations and total upgrades, for the entire length of the product piping run. Similarly, current rules require that double wall tanks and piping be utilized for petroleum USTs not meeting minimum setback distances, that some form of secondary containment be utilized for hazardous substance USTs, and that under-

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

dispenser containment be included in new dispenser installations and where piping is replaced at the dispenser. For situations other than these discussed above, requirements for double-wall tanks, under-dispenser containments, and double-wall piping for piping replacements over 20 feet long or over 50% of the run, are new to the UST program in Illinois.

Those double-wall construction and containment requirements that are new to the Illinois UST program and imposed by this rulemaking do not apply to existing USTs that are otherwise in compliance with the rules of the Office of the State Fire Marshal, but only to new installations and to new upgrades.

- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: Portions of the federal Energy Policy Act of 2005, Public Law 109-58, and a USEPA guidance document entitled Grant Guidelines to States for Implementing the Secondary Containment Provision of the Energy Policy Act of 2005 (USEPA, Nov. 2006), were reviewed and in part relied upon in proposing these amendatory rules. Both of these are posted on the USEPA web site at [www.epa.gov/oust](http://www.epa.gov/oust) and are also available in the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules could have a minor impact on local government to the extent that local government units might own or operate UST systems. In meeting the federal mandates under the Energy Policy Act of 2005, OSFM believes that the choice of secondary containment, as opposed to financial responsibility, will be much less costly and burdensome to units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Shelly Bradley, Manager  
Division of Petroleum and Chemical Safety

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could have a minor impact on those small businesses, not for profit entities, and small municipalities that own and operate USTs and have not already been using double-wall tanks and under-dispenser containment for new and upgraded USTs. Those double-wall construction and containment requirements that are new to the Illinois UST program and imposed by this rulemaking do not apply to existing USTs that are otherwise in compliance with the rules of OSFM, but only to new installations and to new upgrades.
  - B) Reporting, bookkeeping or other procedures required for compliance: UST installations and upgrades have various reporting and permitting requirements as described in this Part 170. Typically the contractor obtains the permit on behalf of the owner/operator.
  - C) Types of Professional skills necessary for compliance: Must ensure that all persons installing and doing work on USTs have been trained appropriately and licensed by OSFM.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 41: FIRE PROTECTION

## CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

## PART 170

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

## SUBPART A: MISCELLANEOUS

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

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

## SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

## Section

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: UNDERGROUND STORAGE TANKS –  
FINANCIAL RESPONSIBILITY REQUIREMENTS

- Section
- 170.700 Definitions
- 170.705 Incorporation by Reference

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

## SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

## Section

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

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

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. 8945, effective July 15, 1997; amended at 22 Ill. Reg. 21339, effective December 1, 1998; amended at 24 Ill. Reg. 12462, effective August 1, 2000; amended at 25 Ill. Reg. 9015, effective July 5, 2001; amended at 27 Ill. Reg. 8164, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 8311, effective May 2, 2003, for a maximum of 150 days; emergency expired September 28, 2003; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

**Section 170.400 Definitions**

"Abandonment-in-place" is the permanent placement of a UST in an inoperative condition by filling it with inert material in accordance with Section 170.670.

"American ~~suction~~Suction" is any suction system other than European, and requires a tightness test every 3 years.

"Bulk storage" means the containment in a UST or aboveground storage tank of a regulated substance for direct transference for purposes of distribution into a tank vessel, pipeline, tank car, tank vehicle, portable tank or container - except that the minimum size of the "container" is required to be greater than the maximum allowed for "dispensing".

"Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurement of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. This person shall have education and experience in soil resistivity, stray current, structure-to-soil potential and component electrical isolation measurements of buried metal piping and tank systems.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

"Compatible" means the ability of two or more substances to maintain their respective physical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

"Containment sump" means manufactured containments resistant to petroleum and chemical products that contain piping, electrical conduits, pumps and leak sensors.

"Contractor" is a licensed person, excluding employees of the contractor, who performs any UST activity.

"Corrosion expert" is a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. This person shall be accredited as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered Professional Engineer with the State, who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Days" means, when the reference is to 30 days, calendar days; any other reference to "days" will be considered working days unless otherwise stated.

"Dielectric material" is one that does not conduct direct electric current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soil. Dielectric bushings are used to electrically isolate portions of the UST system (i.e., tank from piping).

"Dispensing" means the transference of a regulated substance from a UST or aboveground storage tank (AST) directly into the fuel tank of a motor vehicle operated by an internal combustion engine, for use by that motor vehicle. Also, "dispensing" is the transference of a regulated substance from a UST or AST directly into a portable container, as prescribed in 41 Ill. Adm. Code 170.150.

"Double-walled", in reference to tanks and piping, is a factory certified container consisting of an inner-wall and an outer-wall with an interstitial space between the inner-wall and outer-wall suitable for interstitial monitoring, and is designed, constructed and installed to:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

contain regulated substances released from the tank system until they are detected and removed;

prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

be checked at least every 30 days for evidence of a release.

"European suction" is a piping system that draws a liquid through the system by suction pump or vacuum pump located at the dispenser. This system shall have the piping sloped back to the tank and may have no more than one check valve, and it shall be located directly under the suction pump. This type of piping system never requires line leak detection.

"Excavation zone" is the volume containing the tank system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Existing tank system" means a tank system used to contain an accumulation of regulated substance or for which installation has commenced before April 21, 1989. Installation is considered to have commenced if the owner or operator has obtained all ~~federal~~<sup>Federal</sup>, State and local approvals or permits necessary to begin physical construction and installation of the tank system and the system is completed and brought into operation.

"Farm" is a tract of land devoted to the production of crops or raising of animals, including fish. "Farm" includes all contiguous land and structures and other appurtenances and improvements; also, fish hatcheries, rangeland and nurseries with growing operations. "Farm" does not include agribusiness (as defined in 20 ILCS 3605/2(i)), laboratories where animals are raised, land used to grow timber and pesticide aviation operations. Moreover, this definition does not include retail stores or garden centers where the produce of nursery farms is marketed, but not produced.

"Farm tank" means a motor fuel UST located on a farm and used exclusively for farm purposes.

"Flow-through process tank" is a tank that forms an integral part of a production

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process. When the process is shut down, flow-through process tanks do not store product to be used once the process is resumed and may contain no more than a de minimis amount of product.

"Gathering lines" are any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Hazardous substance" means any substance defined in [section](#)Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 USC [Section](#)9601); but not including any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976 (42 USC [Section](#)6901 et seq.).

"Hazardous substance UST system" means an underground storage tank system that contains a hazardous substance or any mixture of such substances and petroleum and [that which](#) is not a petroleum UST system.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C) and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Heating oil tank for consumptive use on the premises where stored" means heating oil consumed exclusively on the premises where the heating oil UST is located, for space-heating or water-heating purposes. It does not include using heating oil to heat from a boiler or furnace through direct conductivity any product or substance used in a manufacturing or production process or using heating oil as an ingredient in a manufacturing or production process. Heating oil used to heat grain dryers or kilns is used for consumptive use on the premises.

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators or other similar devices.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

"Interior liner" is a person who applies interior or internal lining.

"Interior or internal lining" means corrosion and chemical resistant materials that are sprayed, brushed or applied to the inside of a tank to protect the tank and its product from contamination by corrosion. Interior lining is applied by an interior liner.

"Interstitial monitoring" is a release detection method used to determine the presence of a regulated substance between the inner and outer barriers for a leak or release of regulated substances from the underground tank and/or piping and is designed, constructed and installed to detect a leak from any portion of the tank or piping that routinely contains product and meets any other applicable requirements of Section 170.530(g) and 40 CFR 280.43(g).

"Kerosene" is a refined petroleum distillate consisting of a homogeneous mixture of hydrocarbons essentially free of water, inorganic, acidic or basic compounds, and excessive amounts of particulate contaminants. Two classifications are recognized by ASTM D 3699-92, incorporated by reference in Section 170.410, as follows:

No. 1-K - A special low-sulfur grade kerosene suitable for use in nonflue-connected kerosene burner appliances and for use in wick-fed illuminating lamps; and

No. 2-K - A regular grade kerosene suitable for use in flue-connected burner appliances and for use in wick-fed illuminating lamps.

"Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations" refer to sumps, well cellars or other traps used in association with oil or gas production, gathering or extraction operations (including gas production plants), for the purpose of collecting oil, water or other liquids. Such liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream or may collect and separate liquids from a gas stream.

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

"New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation commenced on or after April 21, 1989. A new tank system may include a tank which has been installed, contained regulated substances, removed and re-certified.

"Noncommercial purposes" with respect to motor fuel means not for resale and shall be exclusively for farm or residential use.

"OMI" or "Operational Maintenance Inspection" is an inspection performed by an STSS to establish a facility's regulatory compliance.

"On the premises where stored" means tanks located on the same or contiguous property where the stored heating oil is used. "On the premises" is not limited to the building where the heating oil is stored. Thus, centralized heating units using heating oil that serve more than one building on the same property are included.

"Operation" or "use" in reference to underground storage tanks *means that the tank must have had input or output of petroleum, petroleum products, or hazardous substances, with the exception of hazardous wastes, during the regular course of its usage. "Operation" does not include:* ~~(i)~~

*compliance with leak detection requirements as prescribed by rules and regulations of the Office of the State Fire Marshal; or* ~~(ii)~~

*the mere containment or storage of petroleum products, or hazardous substances, with the exception of hazardous wastes. [430 ILCS 15/4]*

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"OSI" or "Operational Safety Inspection" is an inspection of removal, abandon-in-place, or any tank entry activity requiring an STSS on site.

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

"Overfill release" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

In the case of a UST system in use on November 8, 1984, or brought into use after that date, any person who owns a UST system used for storage, use or dispensing of regulated substances; and

In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

"PAI" or "Performance Assurance Inspection" is an inspection of UST installation and upgrades, where an STSS is scheduled by Date and Time Certain job schedules.

"Person" means an individual, trust, firm, partnership, joint stock company, corporation, ~~federal~~Federal agency, state, municipality, commission, unit of local government or political subdivision of a state or any interstate body. "Person" also includes consortium, joint venture, commercial entity or the United States Government.

"Petroleum" (including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute)), includes, but is not limited to, petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading or finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of hazardous substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Pipe" or "piping" is any hollow cylinder or tubular conduit that is constructed of non-earthen materials.

"Pipeline facilities (including gathering lines)" include new or existing pipe rights-of-way and any equipment, facilities or buildings used in the transportation of gas (or hazardous liquids, which include petroleum or any other liquid designated by the United States Secretary of Transportation) or the treatment of

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

gas or designated hazardous liquids during the course of transportation.

"Re-~~certification~~Certification" of Removed USTs: A re-certified tank is any tank that has been internally and externally inspected. These inspections and re-certifications shall be conducted by a member of the Steel Tank Institute or Fiberglass Tank Institute, or original manufacturer. The re-certified tank must have a warranty remaining for at least 5 years and the warranty must be submitted in writing to OSFM.

"Regulated substance" means petroleum or hazardous substance as defined in this Section.

"Release" means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching or disposing from a UST into groundwater, surface water or subsurface soils.

"Reliner" means "interior liner".

"Repair" means to restore a UST system component that has caused or may cause a release of product from the UST system.

"Residence" means single-family dwelling unit or duplex and parcel of property each is located on, with only one unit or duplex per parcel.

"Residential tank" is a motor fuel UST located on residential property used for noncommercial purposes by a single family and located on property on which that family's residence is located. For purposes of this definition, "residence" shall include a single-family dwelling or duplex.

"Secondary containment" means a release prevention and release detection system for underground tanks and/or piping consisting of an inner and outer barrier with a space suitable for interstitial monitoring, and is designed, constructed and installed to:

contain regulated substances released from the tank system until they are detected and removed;

prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

be checked at least every 30 days for evidence of a release.

Secondary containment may include double-walled tanks and piping.

"Service stations" are defined as:

"Automotive service station". That portion of property where regulated substances used as motor fuels are stored and dispensed for retail sale (see Section 2 of the Use Tax Act [\[35 ILCS 105/2\]](#) for a definition of "retail sale" ~~[35 ILCS 105/2]~~) from fixed equipment into the fuel tanks of motor vehicles operated by internal combustion engines, for use by those motor vehicles.

"Marine service station" or "Marina". That portion of property where regulated substances used as motor fuels are stored and dispensed from fixed equipment on shore, piers, wharves or floating docks into the fuel tanks of self-propelled craft operated by internal combustion engines, for use by those self-propelled craft.

"Service station", whether automotive or marine, includes attended service station, attended self-service station and unattended self-service station.

"Site assessment" is sampling and analyzing the results of the sampling to determine if a release has occurred and if contamination is present on a site. In making this determination, consideration shall include, but not be limited to, the following factors: whether the site is within an area where it is likely that contamination may exist; nature of the stored substance; the type of initial alarm or cause for suspicion; the types of backfill; the depth of groundwater; and any other factors appropriate for identifying the presence and source of a release.

"Spill release" is a release that usually occurs at the fill pipe opening of a tank when a delivery truck's hose is disconnected from the fill pipe, while product continues to exit the hose, resulting in a discharge of the regulated substance to the environment.

"Storm-water" or "wastewater" collection system is all piping, pumps, conduit and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation or domestic, commercial or industrial

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

wastewater to and from retention areas or areas where treatment is designated to occur. The collection of storm-water or wastewater does not include treatment, except where incidental to conveyance.

"STSS" means Storage Tank Safety Specialist.

"Surface impoundment" is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., steel, fiberglass, concrete or plastic) that provides structural support.

"Tank containment sump" means containment located at the tank at the submersible pump or the entry point of American suction piping at the tank that will prevent leaks from the product piping from reaching soil or groundwater. Such containment must be liquid-tight on its sides, bottom, and at any penetrations; be compatible with the substance conveyed by the piping; and be accessible at grade and be monitored.

"Ten percent or more beneath the surface of the ground" with reference to a tank, means that its volume (including the volume of its connected underground piping) is 10 percent or more beneath the ground surface or otherwise covered with earthen materials. If a tank is in a vault, it is considered "beneath the surface of the ground", if it cannot be viewed from all sides and top and base.

"Under-dispenser containment" or "UDC" means containment underneath a dispenser that will prevent leaks from the dispenser from reaching soil or groundwater. Such containment must be liquid-tight on its sides, bottom, and at any penetrations; be compatible with the substance conveyed by the piping; and allow for visual inspection and access to the components in the containment system and/or be monitored.

"Underground pipes connected thereto" means all underground piping, including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between the systems. Where tanks are

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

manifolded together with product piping, each tank is considered a separate UST system. Exempt tanks shall not be connected by piping to regulated tanks.

"Underground storage tank system" or "UST" means any one or combination of tanks (including underground pipes, ancillary equipment and cathodic protection connected thereto) used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. A tank system classified as a UST may not be re-classified as being a non-UST unless there has been a change-in-service as provided in Section 170.630. A non-UST system tank used to store a non-regulated substance may not be converted to a UST system tank unless the tank has been re-certified and is in compliance with all applicable upgrade requirements. A UST system does include an emergency power generator tank that stores any classification of fuel for use exclusively, alternately or concurrently by an emergency power generator, except as otherwise excluded in this definition. The term "underground storage tank system" or "UST" does not include any pipes connected to any tank excluded from this definition. Underground storage tank system or UST does not include any tank system as follows:

Farm or residential tank with a capacity of 1,100 gallons or less used for storing motor fuel for noncommercial purposes;

Heating oil tank of any capacity used exclusively for storing heating oil for consumptive use on a farm or residence;

Septic tank;

Pipeline facility (including gathering lines):

Regulated under the Natural Gas Pipeline Safety Act of 1968 (49 USC 1671 et seq.);

Regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 USC 2001 et seq.); or

Regulated under the Illinois Gas Pipeline Safety Act [220 ILCS 20];

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Any wastewater treatment tank system (including oil-water separators) that is part of a wastewater treatment facility regulated under [Section](#) ~~Section~~ 402 or 307(b) of the Clean Water Act;

Surface impoundment, pit, pond or lagoon;

Storm-water or wastewater collection system;

Flow-through process tank;

Emergency spill protection tank or overflow tank that is emptied expeditiously following use;

Liquid trap or associated gathering line directly related to oil or gas production and gathering operations;

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor and can be viewed from all sides and top and base;

Storage tank situated in a vault (whether underground or aboveground), if the storage tank is situated upon or above the surface of the floor or ground and can be viewed from all sides and top and base;

Tank abandoned-in-place by filling with inert material in compliance with Section 170.670 issued by the Office of the State Fire Marshal;

Tank with a capacity of 110 gallons or less;

Any UST system holding hazardous wastes listed or identified under [Subtitle](#) ~~Subtitle~~ C of the Solid Waste Disposal Act (42 USC 3251 et seq.);

Tank that contains a de minimis concentration of regulated substances, except that such tank shall have been in such status as of April 21, 1989 and may not have been converted to a UST system tank on or after that date, unless the tank has been re-certified and is in compliance with applicable upgrade requirements; or

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks or electrical equipment tanks.

The following UST systems are deferred from the requirements of Sections 170.420 through 170.580 and 170.620 through 170.672 (whether single- or double-wall construction):

Wastewater treatment tank system (including oil-water separators, except that oil-water separators which are components of an oil processing, refining or treatment system are not wastewater treatment tanks);

Any UST system containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 USC 2011);

Any UST system that is part of an emergency generation system at a nuclear power generation facility regulated by the United States Nuclear Regulatory Commission;

Airport hydrant fuel distribution system; and

Any field-constructed tank.

Although the systems deferred immediately above are exempt from the requirements in Sections 170.420 through 170.580 and 170.620 through 170.672, they are required to comply with Sections 170.590 through 170.610 and, by December 22, 1998, are required to comply with the following:

Be constructed to prevent releases due to corrosion or structural failure for the operational life of the UST system;

Be cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a non-corrodible material, or designed in a manner to prevent the release or threatened release of any stored substance;

Be constructed or lined with material that is compatible with the stored substance; and

An owner of a UST system with a field-constructed tank shall install a

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

method for leak detection in accordance with written directives issued by the Office of the State Fire Marshal.

"UST activity" means a UST:

Installation - including retrofitting and cathodic protection installation;

Repair - including upgrade, which includes retrofitting and cathodic protection installation;

Removal - decommissioning, which includes abandonment-in-place;

Lining;

Lining inspections, lining touchup;

Tank entry;

Tank and/or line precision testing; or

Cathodic protection testing.

"Upgrade" is the addition or retrofit of some portion of a UST system, such as cathodic protection, leak detection, new dispenser islands, new piping, interior lining (lining) or spill and overfill controls, manway, flex connectors or new bungs, to improve the ability of the UST to prevent the release of product.

"Wastewater treatment tank" means a tank that is designed to receive and treat any influent wastewater through physical, chemical or biological methods.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.411 USTs Out of Service**

USTs may remain non-operational, but shall meet the complete upgrade requirements specified in this Part and 40 CFR [280](#), and may continue in a state of nonuse provided the requirements of this Section are met. [The tank must be removed within 60 days after a Notice of Violation is issued by the OSFM if, at any time after a UST is taken out of service, the tank is not maintained in compliance with 40 CFR 280 and the following requirements:](#)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- a) The UST and product lines are empty, with no more than 1 inch of product remaining in the tank; if not, tank and line release detection must remain in operation and must be maintained.
- b) Cathodic protection shall be maintained and operational for all tanks and lines, and tested as required, to include flex/pipe connectors. This will include any monthly logs that need to be maintained.
- c) The Office of the State Fire Marshal receives a written request, within 30 days after the date the tanks was last used, requesting out of service status.
- d) Leave vent lines open and functioning.
- e) Within 7 days, the owner/operator shall capCap and secure all product and electric lines, and secure~~Secure~~ all pumps, manways and ancillary equipment.
- f) A UST system may be put back in operation any time during the first 12 months, subject to the requirement that the OSFM be notified in writing at least 10 days prior to operation.
- g) If there is no ongoing incident cleanup specific to the tank or tanks that are the subject of the out of service request, a A-site assessment verifying the absence of a release shall be conducted at the end of one year from the date of non-use, and a report shall be submitted to the OSFM.
- h) Systems out of use for over 1 year may be put back in service provided that:
  - 1) Tanks and lines are to be precision tested and proven sufficient.
  - 2) Line leak detectors must be tested and proven sufficient.
  - 3) Tank and line release detection is tested and proven operational.
  - 4) Cathodic protection is tested and proven sufficient.
  - 5) Site assessment verifying the abence of a release was conducted at the end of the first year.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 6) All test results referenced in subsections (h)(1)-(5) must be performed not less than~~within~~ 30 days before~~after~~ placing the tank back in service and submitted to the Office of the State Fire Marshal 10 days prior to reopening so that a certification audit can be performed.
- i) The state of non-operations may continue for a period of 5 years from the first date of non-operational status provided that the requirements of this Section are met. After 5 years of non-operation, the tank system shall be removed within 60 days after the conclusion of the 5-year period.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health or the environment than subsections (ba)(1) and (2) of this Section. Before the installation of any such tank, its construction and corrosion protection shall be submitted to the Office in writing and is subject to written approval by the Office.

- 6) Re-certified tanks may satisfy the requirements of subsections (ba)(1) and (2) of this Section; however, written proof of such re-certification shall be submitted to the Office of the State Fire Marshal and STSS. Re-certified tanks must be reinstalled within 6 months after removal or re-certification, whichever is sooner. Re-certified tanks must have a warranty remaining for at least 5 years. Re-certifications must be conducted by a member of the Steel Tank Institute, Fiberglass Tank Institute, or the original tank manufacturer.

cb) Spill and overfill prevention equipment.

- 1) To prevent spilling and overfilling associated with product transfer to the UST system, owners or operators shall use the following spill and overfill prevention equipment:
  - A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (e.g., a spill catch basin). New or replaced spill prevention equipment must have a minimum 5 gallon capacity and be maintained in a dry, clean state; and
  - B) Overfill prevention equipment that:
    - i) Automatically shuts off flow into the tank when the tank is no more than 95 percent full;
    - ii) Alerts the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or
    - iii) Provides alternative methods that are no less restrictive

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

than Subpart A or B and no less protective of human health or the environment, as approved in writing by the Office of the State Fire Marshal.

- C) Float vent valves for overfill prevention shall not be allowed on any type suction system.
- 2) Owners or operators are not required to use the spill and overfill prevention equipment specified in subsections (cb)(1)(A) and (B), if:
  - A) Alternative equipment is used that is determined by the Office of the State Fire Marshal in writing to be no less protective of human health or the environment than the equipment specified in subsections (cb)(1)(A) and (B).
  - B) The UST system is filled by transfers of no more than 25 gallons at one time, but shall have spill containment.
- de) Installation tank, piping and upgrade procedures.
  - 1) Excavation for USTs shall be made with due care to avoid undermining of foundations of existing structures. All USTs under buildings shall be located with respect to existing building foundations and supports so that the loads carried by the latter cannot be transmitted to the tank.
  - 2) All tanks and piping shall be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. (Tank and piping system installation practices and procedures described in the following codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (de)(2): API Recommended Practice 1615; PEI Publication RP100; or ANSI B31.3 and B31.4.)
  - 3) Metallic tanks shall not be surrounded or covered by cinders or other material of corrosive effect. Corrosion protection shall be provided in accordance with Section 2-3.3 of NFPA 30, incorporated by reference in Section 170.410, where soil resistivity is 10,000 ohm-centimeters or less. Such corrosion protection shall be in accordance with API 1615,

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

incorporated by reference in Section 170.410.

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 14) OSFM personnel may conduct Date and Time Certain air test of pipe installation and examine any corrosion protection before backfilling of pipe trenches.
- 15) Wiring of electric pumps and all electrical equipment in connection therewith shall conform to NFPA 70.
- 16) After all work has been completed and the system has been put into service, OSFM personnel may conduct a Date and Time Certain final inspection. This inspection will be conducted on the UST installation, leak detection equipment, spill and overfill equipment and the electrical system. The completed Notification of Underground Storage Tanks form will be ready to present to the OSFM STSS during the final inspection.
- 17) Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner as applicable. The contractor shall maintain a copy of the checklist.
- 18) There shall be a minimum of two manufactured slotted or perforated observation wells of at least 4" diameter installed in each new tank field of tanks larger than 1,000 gallons and one well for 1,000 gallon tanks or less and shall have two wells for fields with more than one tank. They shall be placed at opposite ends or opposite corners 1 foot below the invert elevation of lowest UST. Lids shall be securely protected against unauthorized activities. Only one well will be required if groundwater flow direction can be proven and such proof is supplied at the time of permitting and the well is then installed in the downstream location.
- 19) Containments - submersible and dispensers.
  - A) A  ~~tank water tight~~ containment  ~~sump must will~~ be installed  at the tank on all new tanks  with submersible pumps or American suction piping systems.  ~~European suction systems are not required to have containment or when piping is replaced at the tank.~~
  - B)  ~~Under-Water tight~~ dispenser  ~~containment must~~  containments will be installed  ~~under dispensers~~ on all new  dispenser installations  where there previously was no dispenser or when piping is replaced at dispensers.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

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

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.421 Piping**

- a) Underground piping installed or replaced shall be of double-wall construction and equipped with interstitial monitoring that meets the applicable requirements of Section 170.530(g) and 40 CFR 280.43(g) for all permits issued after the effective date of these rules. Any replaced piping that exceeds 20 feet or 50% of the total piping run shall require the entire pipe run to be replaced with double-wall, monitored piping. Where the site has multiple distinct pipe runs, only that piping run being replaced shall be required to be double-wall construction.
- b) Piping, valves and fittings for flammable liquids shall be designed for the working pressures and structural stresses to which they may be subjected and approved for

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

their intended use. The application of any material shall not interfere with the normal operation of the shear valves, fusible links or any equipment installed under the dispensers or submersibles. They shall be of steel or other materials suitable for use with the liquid being handled. Pipe-wall thicknesses being determined in accordance with ANSI B31, incorporated by reference in Section 170.410, shall be deemed to comply with this Section, except that carbon steel pipe shall not be thinner than standard wall thickness listed in ANSI B36, incorporated by reference in Section 170.410.

- cb) Non-metallic piping systems conforming to the requirements of ANSI B31, incorporated by reference in Section 170.410, for use with flammable and combustible liquids are permitted underground.
- de) After installation, pressurized piping shall be tested for 30 minutes at 1.5 times the working pressure or 50 PSI, whichever is higher. Suction and vent piping shall be tested at a minimum positive pressure of 7 psi or in accordance with the manufacturer's recommended procedures.
- ed) Piping that routinely contains regulated substances and is in contact with the ground, backfill or water shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified [in this subsection below](#), and all steel risers, vents, and fills in contact with the ground, backfill or water shall be dielectrically wrapped or coated:

  - 1) The piping is constructed of fiberglass-reinforced plastic (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection ed(1): UL 567; UL Canada Subject C107C; or UL Canada Standard CAN4-S633);
  - 2) The piping is constructed of steel and cathodically protected in the following manner:
    - A) The piping is coated with a suitable dielectric material;
    - B) Field-installed cathodic protection systems are designed by a corrosion expert;
    - C) New impressed current systems are designed to allow

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

determination of system operating status by means of permanently installed lights, amp, volts and hour gauges as required in Section 170.460 and existing impressed current systems must meet these requirements on or before November 1, 2003;

- D) Cathodic protection systems are operated and maintained in accordance with Section 170.460 (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (~~cd~~)(2): NFPA 30; API Recommended Practice 1615; API Recommended Practice 1632; or NACE RPO285); or
- E) The piping construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance, in a manner that is no less protective of human health and the environment than the requirements in subsections (~~cb~~)(1) and (2). Before the installation of any such piping, its construction and corrosion protection shall be submitted to the Office in writing, and the Office shall issue written approval.
- ~~fe~~) UST wiring procedures. All wiring at UST locations shall be in accordance with NFPA 70, incorporated by reference in Section 170.410. Wiring within 20 feet of tanks, within 20 feet of dispenser pumps or run in the product line trenches shall be installed in rigid metallic conduit or threaded steel conduit (or any petroleum or product resistant conduit approved for that use). Electrical conduit shall maintain at least six inches of separation from product piping to avoid damage from abrasion or stray electrical current and shall be routed away from product piping. Minimum cover is required in accordance with Table 300-5 of NFPA 70, incorporated by reference in Section 170.410. Intrinsically safe wiring shall be in conduit when installed within Class I locations, as specified in NFPA 70, incorporated by reference in Section 170.410. Caution should be taken when grounding since it impairs cathodic protection of metallic tanks or piping. When locating electrical wiring in the same trench as the product lines, the conduit shall be positioned on either side of the product piping but not above or below the product piping. This electrical conduit shall cross over the top of any product piping whenever a cross-over is necessary. A six-inch separation shall be maintained at all times, even during a cross-over. All cross-overs shall be kept to a minimum. All electrical power shall be shut off at the immediate location

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

where installations, repairs or upgrades are in progress. All electrical seal-offs are to be properly filled whether being used or for future use.

- gf) All related wiring shall be inspected during UST final inspection.
- hg) A positive shut off valve shall be installed on the product line at the submersible or at the tank for all suction systems on all new installations and when piping is replaced at existing sites and made accessible at grade. Extractor valve will be accepted on European suction instead of positive shut off valve.
- ih) Vent lines will be tested from the tank to grade level at the time of installation. This test will be done at 7 psi minimum or at the pressure recommended by the manufacturer. This test will be performed at the time of the line PAI test.
- ji) The application of any material shall not interfere with the normal operation of the shear valves or fusible links, or any equipment installed under dispensers or submersibles.
- ~~jj) The new installation or total upgrade of product piping shall be double-walled for the entire length of that product line, with the exception of European suction, after May 1, 2003.~~
- k) Any time product piping is broken for repairs, a precision line tightness test must be conducted before the piping is put back into service.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.425 Fill Pipes**

- a) Fill pipes shall be extended to a location outside of any building, as remote as possible from any doorway or other opening into any building and in no case closer than five feet from any such opening. Remote fills are subject to approval by the Office of the State Fire Marshal, on a case by case basis. Fill pipes for used oil tanks are permissible when located inside buildings.
- b) Location shall be in a place where there is a minimum danger of breakage from trucks or other vehicles.
- c) Each fill pipe shall be closed by a screw cap or other tight fitting cap of a type

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~that~~which can be locked. It is the responsibility of the owner/operator to maintain the security of the UST system.

- d) Each loading pipe or fill pipe riser shall be identified by color code or labeling to indicate the product contained in the tank.
- e) Adequate collision protection to protect against physical damage shall be provided for fill pipes which protrude above-grade.
- f) All remote fills shall be double walled and constructed of non-corrosive material or cathodically protected except for gravity flow waste oil.
- g) All tanks shall be equipped with a drop tube that extends to within 6 inches of the bottom of the tank, with the exception of waste oil.
- h) Any new installation with a remote fill over 20 ft. in length shall have interstitial monitoring and an audible and visible overfill alarm. Remote fills shall be sloped back to the tank. Where non-metallic piping is used for a remote fill, a grounding station shall be installed and used during delivery.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.520 Release Detection Requirements for Hazardous Substance UST Systems**

Owners or operators of hazardous substance UST systems shall provide release detection that meets the following requirements:

- a) Release detection at existing UST systems shall meet the requirements for petroleum UST systems in Section 170.510. All existing and new hazardous substance UST systems shall meet the release detection requirements for new systems in subsection (b) of this Section and comply with [Sections 170.420\(a\), 170.421\(a\) and Section 170.530](#).
- b) Release detection for hazardous substance UST systems shall meet the following requirements:
  - 1) Secondary containment systems shall be designed, constructed and installed to:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- A) Contain regulated substances released from the tank system until they are detected and removed and must have interstitial monitoring capable of detecting a failure from the inner and outer wall;
  - B) Prevent the release of regulated substances to the environment at any time during the operational life of the UST system;
  - C) All interstitial monitoring must be checked every 30 days. This can be done by keeping reports from an ATG interstitial monitoring system status report tape showing a pass, normal, etc., or by keeping a log showing the date of inspection, initials of inspector, system status (pass, normal, etc.). The monthly records for the previous 3 years must be kept on site; and
  - D) Interstitial monitoring components shall be tested for operation every 3 years and the records for the previous 3 years must be kept on site. This testing shall be done by a person trained by the manufacturer or a licensed contractor.
- 2) Double-wall tanks shall be designed, constructed and installed to:
- A) Contain a release from any portion of the inner tank within the outer wall; and
  - B) Detect the failure of the inner wall.
- 3) External liners (including vaults) shall be designed, constructed and installed to:
- A) Contain 100 percent of the capacity of the largest tank within its boundary;
  - B) Prevent the interference of precipitation or groundwater intrusion with the ability to contain or detect a release of regulated substances;
  - C) Surround the tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances); and

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- D) Detect the failure of the tanks and the external liner.
- 4) Underground piping shall be equipped with secondary containment that satisfies the requirements of subsections (b)(1) through (3) of this Section (e.g., trench liners, jacketing or double-walled pipe). In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with Section 170.540(a) and an interstitial monitor in accordance with 170.530(g).
- 5) Other methods of release detection may be used if owners or operators:
  - A) Demonstrate to the Office of the State Fire Marshal that an alternate method can detect a release of the stored substance as effectively as the method allowed in Section 170.530(g); written approval is required from the Office to use the alternate release detection method before the installation and operation of the new UST system; and
  - B) Provide written information to the Office of the State Fire Marshal on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the UST site.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.530 Methods and Requirements of Release Detection for Tanks**

Owners and operators of petroleum UST systems shall provide release detection on tanks. These tanks must be monitored at least every 30 days for releases using one or more of the methods listed below:

- a) Monthly inventory control.
  - 1) Product inventory control (or another test of equivalent performance) shall be conducted monthly to detect a release of at least 1.0 percent of the flow-through plus 130 gallons on a monthly basis in the following manner:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- A) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;
- B) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
- C) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;
- D) Deliveries are made through a drop tube that extends to within 6 inches of the tank bottom;
- E) Product dispensing is metered and recorded pursuant to Section 8 of the Weights and Measures Act [225 ILCS 470/8];
- F) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (a));
- G) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance;
- H) Monthly inventory control records for the previous 3 years must be kept on site;
- I) This method can only be used for a period of 10 years from the date cathodic protection was installed on the tank. A precision tank test must be performed at 5 years and 10 years and these records kept on site for 10 years. At 10 years, another form of leak detection is required;

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- J) Inventory control will only be allowed on sites currently using this method until the 10-year time allowance expires. No new sites will be allowed to use this method after May 1, 2003;
  - K) Inventory control may not be used on systems with blending pumps or siphon tanks.
- 2) Monthly inventory control cannot be used as a method of release detection for any tank that, after passing only a noninvasive tank integrity assessment, was upgraded using the cathodic protection method.
- b) Manual tank gauging. Only tanks of 600 gallons or less nominal capacity may use the method described in this subsection as the sole method of release detection. For tanks of 601 to 2,000 gallons, this method may be used for a period of 10 years from the date cathodic protection was installed on the tank. For tanks over 2,000 gallons, this method shall not be used. Tanks 601 to 2,000 gallons must receive a precision tank test once every year. The monthly records required for manual tank gauging and the yearly tank tests must be kept for 3 years on site. At the end of 10 years, another form of tank leak detection is required for tanks 601 gallons to 2,000 gallons.
- 1) Manual tank gauging shall meet the following requirements:
- A) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;
  - B) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;
  - C) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
  - D) A leak is suspected and subject to the requirements of Sections 170.560 through 170.610, if the variation between beginning and ending measurements exceeds the weekly or monthly standards in Table B;

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- E) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (b)); and
  - F) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance.
- 2) Manual tank gauging cannot be used as a method of release detection for any tank that, after passing only a noninvasive tank integrity assessment, was upgraded using the cathodic protection method.
  - 3) This method will not be allowed for tanks 601 to 2,000 gallons after May 1, 2003, except that, for those tanks for which this method was being used on May 1, 2003, the method may be used until the 10-year allowance expires.
- c) Precision tank tightness testing, as approved by the Office of the State Fire Marshal.
- 1) Tank tightness testing (or another test of equivalent performance) shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. There are four types of precision testing:
    - A1) 100 percent volumetric overfill;
    - B2) Volumetric underfill with an approved ullage test of negative pressure or inert gas as approved by the Office of the State Fire Marshal;
    - C3) A negative pressure; or

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- D4) Other approved methods, in accordance with subsection (i). |
- 2) In the case of a suspected release, tracer elements and ATGs are not an approved method of precision tank testing. |
- d) Automatic tank gauging (ATG). Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control shall meet the following requirements:
- 1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product.
  - 2) The ATG must be third party evaluated by and listed in the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems". The ATG must be installed, calibrated and in compliance with the protocol of the third party evaluation.
  - 3) All new or replacement ATG monitors shall be mounted no more than 6 feet from the floor and must remain unobstructed and accessible.
  - 4) All new ATG systems must be equipped with printers. Existing ATG systems must be equipped with printers by May 1, 2004. If a system has to be retrofitted, a permit will be required. Systems with remote printers will be accepted.
- e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:
- 1) The materials used as a backfill are sufficiently porous (e.g., gravel, sand or crushed rock) to readily allow diffusion of vapor from releases into the excavation area;
  - 2) The stored regulated substance or a tracer compound placed in the tank system is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;
  - 3) The measurement of vapors by the monitoring device is not rendered

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

inoperative by groundwater, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 days;

- 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
  - 5) The vapor monitors are designed and operated to detect any significant increase in concentration above the background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system; vapor monitor sensors must be permanently installed in the vapor monitor wells; a monthly inspection of the vapor monitoring system must be made and a log maintained showing the date of inspection, results, and initials of the party doing the inspection;
  - 6) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subsections (e)(1) through (4) of this Section and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product;
  - 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
  - 8) Vapor monitoring wells shall be of sufficient design to allow vapors to be detected from any portion of the tank being monitored and shall be a minimum of four inches in diameter or as approved by the Office of the State Fire Marshal on the applicable permit; and
  - 9) An adequate number of vapor monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit.
- f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater shall meet the following requirements:
- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 2) Groundwater is never more than 20 feet from the ground surface, the hydraulic conductivity of the soil between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials), and groundwater shall be present in the groundwater monitoring wells at all times;
- 3) The slotted or perforated portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
- 4) Groundwater monitoring wells shall be sealed from the ground surface to the top of the filter pack;
- 5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
- 6) The continuous monitoring devices or manual methods used can detect the presence of at least ? of an inch of free product on top of the groundwater in the monitoring wells.
  - A) The continuous monitoring devices must be fixed sensors mounted permanently inside the well or samples must be taken by a mechanical bailer capable of detecting the presence of at least ? - inch of free product on top of the groundwater in the monitoring wells.
  - B) Groundwater monitoring must be done monthly and a log of the inspection made showing the date of the inspection, initials of the person conducting the inspection, and results of the well sampling. This log must be done every 30 days and kept on-site, or available within 30 minutes, for 3 years.
- 7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsections (f)(1) through (5) of this Section and to establish the number and positioning of monitoring wells or devices that will detect releases from

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

any portion of the tank that routinely contains product;

- 8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
  - 9) The minimum diameter of groundwater monitoring wells shall be 8 inches or as approved by the Office of the State Fire Marshal on the applicable permit; and
  - 10) An adequate number of groundwater monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit. On new installations, there shall be two 8-inch diameter monitoring wells for the first tanks and 1 additional well for each additional tank installed. The wells will be of manufactured slotted or perforated type. They shall be at opposite ends and corners, one foot below the invert elevations of the lowest UST.
- g) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it, [or interstitial monitoring meeting the requirements of this Section as required by Sections 170.420\(a\) and 170.421\(a\)](#), may be used but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and, also, meets one of the following requirements:
- 1) For double-wall UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product; the provisions specified in STI, "Standard for Dual Wall Underground Storage Tank", incorporated by reference in Section 170.410, may be used as guidance for aspects of the design and construction of underground steel double-wall tanks.
  - 2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier.
    - A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (not in excess of 0.000001 cm/sec for the regulated

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- substance stored) to direct a release to the monitoring point and permit its detection;
- B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;
  - C) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;
  - D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;
  - E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain unless the barrier and monitoring designs are for use under such conditions;
  - F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering; and
  - G) An adequate number of monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of the number of such wells is subject to the approval of the Office of the State Fire Marshal.
- 3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.
  - 4) The interstitial monitoring system must be tested every 3 years to verify its operation and records from the previous test must be kept on-site, or available within 30 minutes. Testing of the system sensors shall be done in such a way as to verify their function but not damage the sensors.
  - 5) Recordkeeping requirements for interstitial monitoring of tanks and lines requires an inspection once every 30 days and records for the previous 3 years must be kept on-site or available within 30 minutes. The records can

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

be from an ATG system showing the interstitial monitors' status (pass/normal/other/) on a print out tape or by maintaining a log showing date of inspection, initials of inspector, status of system (pass/normal/other).

- h) Statistical Inventory Reconciliation (SIR).
- 1) The company that uses this method shall provide the Office of the State Fire Marshal a written affirmation that their data collection staff is trained in the data gathering procedures and that only trained staff will be utilized for data collection. Each tank monitored by SIR shall be identified to the Office in writing within 30 days of the commencement of such monitoring, specifying tank size, product stored, facility location and any other pertinent identification information necessary.
  - 2) SIR methods may only be used in conjunction with precision tank tightness testing conducted yearly.
  - 3) A precision tank tightness test, as approved by the Office of the State Fire Marshal, shall be mandatory, if any data analysis indicates a possible release or is inconclusive or indeterminate, or for any test result other than a pass.
  - 4) The measurement of any water level in the bottom of the tank is made to the nearest  $\frac{1}{8}$ -inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (h)).
  - 5) SIR test records for the previous 3 years must be kept on-site (a lag time of 60 days will be allowed for on-site records) or available within 30 minutes.
  - 6) New requests to use SIR after May 1, 2003 will no longer be accepted. If SIR is discontinued at a site, it will not be allowed again.
  - 7) After January 1, 2006, SIR may not be used on systems with blending pumps or siphon tanks.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- i) Other methods. Any other type of release detection method or combination of methods, approved by the Office of the State Fire Marshal, may be used if ~~the~~ The owner or operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (c) through (h) of this Section. Demonstration of any such method shall be in writing submitted to the Office of the State Fire Marshal. In comparing methods, the Office shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator shall comply with any conditions imposed by the Office on its use to ensure the protection of human health or the environment. Before the utilization of the method, the Office shall issue written approval.
- j) One copy of each independent third-party evaluation and its protocol, for the release detection methods in subsections (c), (d), (e), (g), (h) and (i), shall be submitted to the Office of the State Fire Marshal. Any deviation from the third-party evaluation shall be resubmitted for approval.
- k) Only one approved method of primary release detection is required for each tank, ~~;~~ although ~~;~~ multiple methods are acceptable.
- l) No method of release detection shall be used, ~~;~~ unless that method has been approved by the Office of the State Fire Marshal.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.541 Installer, Repairer, Liner or Remover of USTs and Obtaining Permits**

Any person who is an installer, repairer, liner or remover of underground storage tanks is a contractor. However, in order for a contractor to do lining inspections, lining touch up or cathodic protection, or install, repair, line, upgrade, abandon or remove any UST, the contractor is required to be licensed and obtain a permit for that activity, in compliance with the following:

- a) Pay \$100 per site to the Office of the State Fire Marshal for a permit to install, repair, or line, or perform lining touch up, lining inspections, cathodic protection, or abandonment, upgrade or removal of underground storage tanks.
  - 1) A separate fee is required for each type of activity.
  - 2) This fee is to be paid by check or money order made payable to "Office of

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

the State Fire Marshal" and is to be from the installer, repairer, liner or remover.

- 3) Only contractors licensed and certified in accordance with Subpart E (or their respective employees, who do not have to be licensed and certified), and not barred pursuant to Subpart D, may obtain permits. Contractors are required to be licensed and certified in the UST activity for which they are applying.
- 4) Only contractors, their employees or subcontractors may perform the permitted UST activity in accordance with Subpart E.
- 5) Only the most current permit application for the activity is to be submitted.
- 6) Insufficient information submitted with the permit application or an illegible permit application submission is cause for return or denial.
- 7) Permits expire 6 months from the date they are issued. The applicant may apply for additional 6 month extensions. Each extension request will be accompanied by a \$100 fee. Contractors may apply for one extension at the time of the original application. A new permit application and fee must be submitted if the permit lapses.
- 8) Permit applications denied or rejected the second time will require a new application submission fee.
- 9) Permit applications and issued permits are not transferable.
- 10) Permit applications and issued permits may only be submitted and amended by contractors licensed and certified in the area of UST activity for which they are applying.
- 11) Amended permits. Granted permits may be amended only once in the office or in the field without a new application fee. Additional amendments may be allowed with an additional \$100 fee; except, each change that requires a new contractor, a new site plan or another engineering review to determine acceptability will require a new permit application submission and \$100 fee.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 12) A person who is the owner of a UST for which a permit is obtained shall be listed on the permit application as the owner.
- 13) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement, the City has the authority to modify this subsection (a) to issue the permits and collect the fees for its own use, regarding UST activities within the jurisdiction of the City.
- 14) A permit is closed:
  - A) When the work under the permit is completed and the required notification forms have been submitted to the OSFM; or
  - B) When the permit has lapsed, expired or been revoked.
- b) No permit may be issued when a current owner is listed on a permit application who owes fees pursuant to Section 170.441 or 170.442 until any such fee is paid in full.
- c) No UST activity requiring a permit may proceed without a granted permit in the possession of the contractor or representative of the contractor at the UST site, except pursuant to Section 170.481, and the permit shall be available upon request of an Office of the State Fire Marshal representative. Performance by a contractor of a UST activity in violation of this Section may result in the suspension or revocation of the license of that contractor to perform any UST activity. This does not preclude suspension or revocation for a violation of any other applicable Section.
- d) No UST owners or operators may perform any UST activity on their UST, unless the owner complies with the licensing and certification requirements of Subpart E.
- e) UST activity performed that is not in compliance with the conditions of a permit issued to a contractor is cause for permit revocation, or suspension or revocation of the license of that contractor to perform any UST activity. This does not preclude suspension or revocation for a violation of any other applicable Section.
- f) For purposes of this Section, the term "installer" includes "replacer" and "install"

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

includes "replace"; the term "repairer" includes a person who upgrades and "repair" includes "upgrade"; and the term "remover" includes a person who "abandons-in-place" and "remove" includes "abandon-in-place" a UST.

- g) [Actions requiring a permit.](#) |
- 1) A permit is required to do any of the following to USTs: |
- ~~A1~~) remove; |
  - ~~B2~~) abandon-in-place; |
  - ~~C3~~) upgrade; |
  - ~~D4~~) repair; |
  - ~~E5~~) line; |
  - ~~F6~~) inspect linings; |
  - ~~G7~~) lining touch ups; |
  - ~~H8~~) emergency repairs; |
  - ~~I9~~) repair or install cathodic protection; |
  - ~~J10~~) install manways (except in cases associated with a lining permit or lining inspection permit) with manholes bolted to the tank top, only when in conjunction with an inspection and in a manner that does not damage the existing lining; |
  - ~~K11~~) install a UST and piping; or |
  - ~~L12~~) any time a tank is entered. |
- 2) Primary leak detection systems, corrosion protection, spill containment, overfill prevention, [dispenser activity under Section 170.420\(d\)\(19\)](#), and new dispenser islands also require permits. |

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- h) Actions not requiring a permit.
- 1) No permit is required to do routine maintenance on, or like-for-like replacements for, the following:
    - A) submersible pumps;
    - B) spill containment devices;
    - C) drop tube valves;
    - D) ball floats;
    - E) ATG probes;
    - F) mechanical line leak detectors;
    - G) electronic line leak detectors;
    - H) wireless electronic line leak detectors; or
    - I) rectifiers.
  - 2) The exceptions listed in subsection (h)(1i) are the only exceptions from the permit requirement. If the equipment is not present or another type of equipment is to be used, a permit shall be required. Any pipe or flex connector work requires a permit.
  - 3) In the event that equipment is not installed like-for-like and/or equipment is installed without a permit, the owner/operator will be required to do the following:
    - A) Hire an OSFM recognized contractor other than the contractor who did the unauthorized/non-permitted work.
    - B) OSFM Engineering Department will determine if the equipment is approved for this application.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- C) Contractor will submit a Date and Time Certain job schedule to review the installation and determine that the equipment has been installed as per manufacturer's specifications.
  - D) Contractor will schedule a Date and Time Certain final inspection. The contractor will have a representative at the final inspection that is knowledgeable and able to work with this equipment. An amended notification form for this installation shall be available for the STSS. The representative will review the equipment with the STSS.
- 4) Replacing of any of the above equipment must be reported in writing, within 24 hours after the activity, to the OSFM, on an OSFM approved form, listing the make, model, and manufacturer of the equipment, indicating where the equipment is being installed.
  - 5) When replacing an electronic line leak detector that is capable of detecting a release within 0.1gph with a mechanical line leak detector, notification must be made by the contractor to the OSFM in writing, within 8 working hours after replacement, on an approved OSFM form. An original replacement must be completed within 10 working days and notification of completion shall be submitted to the OSFM within 8 working hours after the replacement.
  - 6) A valid permit does not remedy a violation until the work is completed and does not allow for any extensions of time for compliance.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part : Mandatory Firearms Training for Peace Officers
- 2) Code Citation: 20 Ill. Adm. Code 1730
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1730.10	Amendment
1730.20	Amendment
1730.30	Amendment
1730.50	Amendment
1730. APPENDIX A	New Section
- 4) Statutory Authority: Peace Officer Firearm Training Act [50 ILCS 710]
- 5) A Complete Description of the Subjects and Issues Involved: Changes necessary to update the contact hours to current Board standard. Also, legislative mandate to remove exception for Auxiliary Police Officers.
- 6) Published studies of reports, and sources of underlying data, used to compose this rulemaking: The shooting standard in Appendix A was composed from data generated from a taskforce of State certified firearms instructors.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking is required to assure the safety of the citizens and peace officers of the State of Illinois through a uniform standard firearm training for peace officers.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Agency shall accept and consider all submissions from any interested persons data, views, arguments or comments submitted either orally or in writing to:

Daniel Nelson  
General Counsel

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

Illinois Law Enforcement Training and Standards Board  
600 South Second Street  
Springfield, Illinois 62704

Telephone: 217/782-4540  
Fax: 217/524-5350  
TDD: 217/524-5711

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: County and municipal governments who employ peace officers
  - B) Reporting, bookkeeping or other procedures required for compliance:  
Firearm rosters are sent out from the agency for completion by employing agencies
  - C) Types of professional skills necessary for compliance: Proficiency in the safe handling and accurate use of a firearm.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This agency was aware of efforts, in the most recent General Assembly, to rule out the need for this rulemaking.

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

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER V: ILLINOIS LAW ENFORCEMENT  
TRAINING AND STANDARDS BOARD

## PART 1730

## MANDATORY FIREARMS TRAINING FOR PEACE OFFICERS

## Section

1730.10 Definitions

1730.20 Officer's Responsibilities

1730.30 Course Requirements

1730.40 Responsibilities of the County or Municipality

1730.50 Responsibilities of the Board

1730.APPENDIX A Annual Firearm Qualification Course-of-Fire

AUTHORITY: Implementing and authorized by the Peace Officer Firearm Training Act [50 ILCS 710].

SOURCE: Filed and effective January 8, 1976; codified at 7 Ill. Reg. 11233; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1730.10 Definitions**

"Act" means the Peace Officer Firearm Training Act [50 ILCS 710].

"Board" means the Illinois Law Enforcement Training and Standards Board~~Local Governmental Law Enforcement Officers Training Board~~ created by the "Illinois Police Training Act" [50 ILCS 705].~~(Ill. Rev. Stat. 1981, ch. 85, pars. 501 et seq.)~~

"Firearms" means any weapon or device defined as a firearm~~firearms~~ in Section 1.1 of the Firearm Owners Identification Card Act ~~"An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended [430 ILCS 65/1.1].(Ill. Rev. Stat. 1981, ch. 38, par. 83-1.1)~~

"Peace Officer" means:

any person who by virtue of his office or public employment is vested by

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, and who is employed in such capacity ~~for more than 200 hours per year~~, by any county or municipality, or

any law enforcement officer as defined in Section 2 of the Illinois Police Training Act; or

any retired law enforcement officer qualified under federal law to carry a concealed weapon.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1730.20 Officer's Responsibilities****a) Basic Firearms Certification**

- ~~1)~~a) Each officer shall successfully complete a Board certified ~~24-hour~~ course of training in the use of a suitable type firearm as a condition precedent to the possession and use of that ~~type of~~ respective firearm in connection with his or her official duties. ~~The~~ Such training must be completed within the officer's probationary period, or within 6 months from the date of his or her initial employment.
- ~~2)~~b) In order to receive a certificate attesting to the successful completion of the required training, each officer-trainee must attain a passing grade of at least 70% on a written examination covering pertinent portions of the instruction. The officer-trainee must also achieve a score of 70% or above on a pistol course to be fired as prescribed in the ~~24-hour~~ curriculum adopted by the Board. In addition, the person in charge of the training must be completely satisfied of the ability of the officer-trainee to handle his or her weapon in a safe and competent manner.
- ~~3)~~e) Any officer who successfully completes the Basic Training Course prescribed for recruits (full time) by the Board shall be presumed to have satisfied the requirements of ~~the~~ this Act.

**b) Annual Range Qualification**

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Each officer shall successfully complete an annual range qualification using a suitable type firearm as a condition precedent to the possession and use of that type firearm in connection with his or her official duties. Training must be completed within 12 months after the officer's previous certification.
  - 2) Each retired law enforcement officer qualified under federal law to carry a concealed weapon must successfully complete, during the most recent 12 month period, at the expense of the individual, the same standards for annual range qualification as used for active officers.
  - 3) In order to receive a certificate attesting to the successful completion of the annual range qualification, each officer, including those retired law enforcement officers qualified under federal law to carry a concealed weapon, must achieve a score of 70% or above on a pistol course to be fired as prescribed in a curriculum adopted by the Board. In addition, the range officer in charge of the program must be completely satisfied of the ability of the officer to handle his or her weapon in a safe and competent manner.
  - 4)d) ~~The provisions of this Act shall not apply to auxiliary policemen as authorized by the "Illinois Municipal Code (Ill. Rev. Stat. 1981, ch. 24, par. 3-6-5) except that the~~ training course ~~provided for therein~~ shall contain a presentation of the ethical, moral and legal considerations to be taken into account by any person who uses a firearm.
- c)e) Each officer will bring such equipment as required by the Course Director.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1730.30 Course Requirements**

- a) Basic Firearms Certification programs~~Such training~~ must be approved by the Illinois ~~Local Governmental~~-Law Enforcement Officers Training and Standards Board and may be given in logical segments.
- b) Basic Firearms Certification programs~~Such training~~ must include:
  - 1) Instruction in the dangers of misuse of the firearm, safety rules, and care

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

and cleaning of the firearm;

- 2) Practice firing on a range and qualification with the firearm in accordance with the standards ~~as~~ established by the Board in Section 1730.20 ~~(a)(2)(b)~~ of this Part;
  - 3) Instruction in the legal use of firearms under the provisions of the Criminal Code of 1961 ~~[720 ILCS 5](Ill. Rev. Stat. 1981, ch. 38, par. 1-1 et seq.)~~ and relevant court decisions;
  - 4) A forceful presentation of the ethical and moral considerations assumed by any person who uses a firearm.
- c) ~~Training~~ Such training shall be offered twice each year within each of the Illinois State Police Districts, but no ~~such~~ training course need be held when there are no police officers requiring such training.
- d) Annual Range Qualification programs must be approved by the Illinois Law Enforcement Training and Standards Board and may be given in logical segments.
- e) Annual Range Qualification programs must include:
- 1) Information on the dangers of misuse of the firearm, safety rules, and care and cleaning of the firearm;
  - 2) Practice firing on a range and qualification with the firearm in accordance with the standards established by the Board in Appendix A of this Part;
  - 3) Information on the legal use of firearms under the provisions of the Criminal Code of 1961 and relevant court decisions;
  - 4) Information on the ethical and moral considerations assumed by any person who uses a firearm.
- ~~f)~~ No instructor shall be utilized in the delivery of the required ~~program~~ training who has not been approved by the Executive Director of the ~~Training~~ Board.
- ~~g)~~ A range officer shall be in charge of all ~~aspects of instruction on~~ the actual firing line and shall certify to the Executive Director of the Board that the range to be

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

used is safe for all phases of the required practice firing.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1730.50 Responsibilities of the Board**

- a) The Board shall develop and publish a detailed curriculum of the required course of training.
- b) Advisory Councils
  - 1) The Board shall arrange for ~~such~~ training courses to be conducted at least twice ~~in~~ each year within the geographical boundaries of each of the Illinois State Police Districts. This shall be accomplished through ~~an~~ advisory ~~councils~~ council composed of one representative from each of the following agencies:
    - A) A municipal police department;
    - B) A sheriff's office;
    - C) A state's attorney's office;
    - ~~D) A regional office of the Illinois Law Enforcement Commission (ILEC);~~
    - ~~D)E)~~ The district office of the Illinois State Police;
    - ~~E)F)~~ An appropriate office of the Federal Bureau of Investigation (~~FBI~~).
  - 2) Where logic would dictate, the membership of these individual councils may be increased, but to no more than 10 members in any one district.
  - 3) Appointments to these advisory councils shall be ~~within~~ the responsibility ~~and authority~~ of the chairman of the ~~Training~~ Board.
- c) Inspections
  - 1) The Board's staff shall conduct appropriate inspections to ensure the

---

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF PROPOSED AMENDMENTS

required participation of the pertinent units of government.

- 2d) The Board shall, in its annual report, indicate the results of ~~the staff~~these inspections and provide other related information and recommendations as it deems proper. |

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1730.APPENDIX A Annual Firearm Qualification Course-of-Fire**

- a) Target Scoring Area: 8½ x 14 inch overlay / center mass of target. The defined firearm types are: Semi-auto /or/ Revolver handgun; minimum capacity 5 rounds
- b) For Duty Handgun Qualification, all stages of fire will commence from a secured holster. For Off Duty / Retired Officer Qualification, all stages of fire will commence with the handgun in hand from the "low ready" position. A passing score is 70% = 21 hits on center mass.
- c) Where indicated below, the word "DRAW" requires the shooter to withdraw the handgun from a secured holster on the command to fire. The word "PRESENT" means that the shooter has the handgun in the shooting hand in low ready (depressed muzzle) position and stands ready for the command to fire under the following conditions:

5 Yard line - Total of 12 roundsStage 1 Draw/Present and fire 2 rounds in 6 secondsStage 2 Draw/Present and fire 2 rounds in 6 secondsStage 3 Draw/Present and fire 2 rounds in 6 secondsStage 4 Draw/Present and fire 2 rounds in 6 secondsStage 5 Draw/Present and fire 2 rounds in 6 secondsStage 6 Draw/Present and fire 2 rounds in 6 secondsShooters will reload without command as needed between stages of fire.7 Yard line - Total of 12 roundsStage 7 Draw/Present and fire 3 rounds in 7 secondsStage 8 Draw/Present and fire 3 rounds in 7 secondsStage 9 Draw/Present and fire 3 rounds in 7 seconds

## ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

## NOTICE OF PROPOSED AMENDMENTS

Stage 10 Draw/Present and fire 3 rounds in 7 seconds

15 Yard line - Total of 6 rounds

Stage 11 Draw/Present and fire 3 rounds in 10 seconds

Stage 12 Draw/Present and fire 3 rounds in 10 seconds

Stage 12 <OPTIONAL> 25 Yard line-: Draw/Present and fire 3 rounds in 15 seconds (in lieu of the second 10 second /three round string at 15 yards)

- d) The above course-of-fire is the minimum standard required. Any agency may include any modification that increases the level of difficulty such as reloading, alternate hands, movement, time restriction, or other job related skills.

(Source: Added at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
110.4	Amendment
110.60	Amendment
110.90	Amendment
110.150	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: delete the special event fee and add language pertaining to fireworks/explosives, firewood bans, group liability and scuba divers.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) 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:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER a: LANDS

## PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE  
DEPARTMENT OF NATURAL RESOURCES

## Section

- 110.4 Fees and Charges
- 110.5 Unlawful Activities (Repealed)
- 110.20 Alcoholic Beverages – Possession, Consumption, Influence
- 110.30 Animals – Pets, Dogs, Cats, Equine; Noisy, Vicious, Dangerous Animals;  
Livestock; Animal Waste
- 110.40 Boats and Other Watercraft
- 110.45 Abandoned Watercraft
- 110.50 Capacity of Areas – Usage Limitation
- 110.60 Camping – Campfires - Firewood
- 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural  
Objects-Collection of Artifacts
- 110.90 Group/Activity [Permits](#)
- 110.95 Demonstrations
- 110.100 Littering
- 110.110 Prohibited Fishing Areas – Cleaning of Fish
- 110.120 Restricted Areas
- 110.140 Soliciting/Advertising/Renting/Selling
- 110.150 Swimming/Wading/Diving
- 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
- 110.165 Bicycles – Operation on Roadway – Designated Trails
- 110.170 Weapons and Firearms – Display and Use
- 110.175 Nudity Prohibited
- 110.180 Violation of Rule
- 110.185 Emergency Modification of Site Rules

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004; amended at 29 Ill. Reg. 2268, effective January 28, 2005; emergency amendment at 30 Ill. Reg. 13536, effective July 27, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 19376, effective November 30, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 110.4 Fees and Charges**

The following fees will be charged for use or reservation of designated facilities effective May 11, 1992, except that Illinois residents who are veterans and disabled or a former prisoner of war [20 ILCS 805/63a23] shall be exempt from subsections (a) and (b) of this Section:

- a) All persons entering a designated swim beach area shall pay a \$1 fee. Illinois Beach State Park beaches are not designated swim beach fee areas.
- ~~b) All persons entering a designated special event area shall pay a \$1 fee.~~
- ~~b)e)~~ All individuals reserving a picnic shelter at sites participating in the Shelter Reservation Program shall pay \$25 each day a shelter is reserved. Reservations are non-refundable unless the area is closed by the Department. Checks are to be made payable to the Illinois Department of Natural Resources (site name). Reservations are not final until payment is received. Upon vacating the site, shelter users are required to remove all personal belongings and place all trash in the appropriate receptacles located at the site. Those who fail to do so will be charged a disposal fee of \$50. Shelter users who fail to pay the disposal fee will

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

be denied future reservations until the fee is paid in full.

- ~~c)~~ Failure to comply with the provisions of this Part is punishable as a Class B misdemeanor [20 ILCS 835/6].

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 110.60 Camping – Campfires - Firewood**

It shall be unlawful:

- a) For any person to use a tent or trailer, or any other type of camping device except in designated camping areas, and persons camping in such designated areas shall obtain a camping authorization slip from authorized site personnel as provided by 17 Ill. Adm. Code 130.
- b) For any person to build any fire in any area except in campstoves provided by the Department of Natural Resources or in charcoal or other types of metal grills which are furnished by the visitor at a specific campfire site designated or where bans on open fires are posted by the Department of Natural Resources.
- c) For any person to possess or discharge any type of fireworks or other explosive devices including but not limited to model rockets or aerial displays without a written permit issued by the Department. The decision to grant or deny a permit will be based upon public safety, ~~and~~ legal considerations, ~~and~~ the impact on public use/enjoyment of parks and the potential impact on natural resources.
- d) For any person to bring or possess on Department of Natural Resources properties firewood from any geographical area where wood exportation has been prohibited by either State or federal quarantine, or to sell or distribute firewood on Department properties without prior written agreement with the Department pursuant to 17 Ill. Adm. Code 150 - Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions. Department staff may confiscate any firewood brought onto Department properties found to be in violation of this Part. The Department may also institute site-specific firewood bans through public notice and posting at the site.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Section 110.90 Group/Activity Permits**

It shall be unlawful for groups of more than 25 persons to use Department of Natural Resources facilities unless written permission is obtained in advance from the Site's Superintendent or site manager. Further, for groups of persons under the age of 18, it is required that at least one adult (age 18 years or older) accompany no more than 15 of these minor individuals. Groups of more than 25 persons may be denied permission to gather if it is determined by the Site Superintendent that the site's physical layout and infrastructure is not suitable for the group activity or may be detrimental to the public health and safety of other site visitors or the natural resources at the site. The Site Superintendent will evaluate the availability of parking, conflicts with other visitor uses, acreage, toilet facilities and suitable roadways in determining whether to grant permission for the requested group activity. The Department may also require groups of any size to provide protection against liability claims if the planned activity is deemed to expose the Department to additional liability.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 110.150 Swimming/Wading/Diving**

It shall be unlawful for any person to swim, wade or bodily enter into the water at any location. The exceptions to this rule include only the following:

- a) areas designated by posting as allowing swimming. Where lifeguards are not posted, no person under 17 years of age may swim or be on the beach without supervision of a parent, guardian, or responsible adult (18 years of age or older) present. Designated swimming beaches shall conform to all rules and regulations of the Illinois Department of Public Health regarding public swimming beaches (77 Ill. Adm. Code 820.360);
- b) areas where a Department employed lifeguard is on duty;
- c) areas posted for other uses such as waterfowl hunting, water skiing, wade fishing, or riding personal watercraft or inflatable devices; or
- d) areas authorized for ~~scuba~~Scuba diving. Scuba divers must have in their possession valid diving permits issued by the ~~Site Superintendent~~Department. Permits are issued to keep track of name and location of divers, to ensure that divers are certified by a recognized scuba organization~~entity~~ and to minimize user conflicts at sites.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Veterans' Home Nurse Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2757
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2757.10	New Section
2757.20	New Section
2757.30	New Section
- 4) Statutory Authority: Implementing Public Act 95-0576 and authorized by Sections 20(f) and 10 of the Higher Education Student Assistance Act [110 ILCS 947/10 and 20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: These rules govern the administration of the new Veterans' Home Nurse Loan Repayment Program. The rulemaking sets forth the applicant eligibility and program procedures.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Public Act 95-0576, effective July 1, 2007
- 7) Will this rulemaking replace any emergency rules currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Lynn Hyne s  
Agency Rules Coordinator  
Illinois Student Assistance Commission

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

1755 Lake Cook Road  
Deerfield, Illinois 60015

847/948-8500, ext. 3304  
email: lhynes@isac.org

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because this rulemaking was created after the filing period ended.

The full text of the proposed rules are identical to the text of the emergency rules which appear in this issue of the *Illinois Register* on page 13449.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 11, 2007 through September 17, 2007 and have been scheduled for review by the Committee at its October 10, 2007 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/26/07	<u>Department of Children and Family Services,</u> Department of Children and Family Services Scholarship Program (89 Ill. Adm. Code 312)	7/13/07 31 Ill. Reg. 9699	10/10/07
10/26/07	<u>Secretary of State, Procedures and Standards</u> (92 Ill. Adm. Code 1001)	7/27/07 31 Ill. Reg. 10589	10/10/07
10/28/07	<u>State Universities Civil Service System, State</u> Universities Civil Service System (80 Ill. Adm. Code 250)	3/9/07 31 Ill. Reg. 3620	10/10/07
10/28/07	<u>Department of Central Management Services,</u> Senior Citizens and Disabled Persons Prescription Drug Discount Program (Repealer) (80 Ill. Adm. Code 2151)	2/23/07 31 Ill. Reg. 3117	10/10/07

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Veterans' Home Nurse Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2757
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
2757.10	New Section
2757.20	New Section
2757.30	New Section
- 4) Statutory Authority: Implementing Public Act 95-576 and authorized by Sections 20(f) and 10 of the Higher Education Student Assistance Act [110 ILCS 947/10 and 20(f)]
- 5) Effective Date of Rules: September 24, 2007
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will expire when the proposed rules are adopted.
- 7) Date Filed with the Index Department: September 17, 2007
- 8) A copy of these emergency rules, 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: This emergency rulemaking implements Public Act 95-576, effective July 1, 2007, which created the Veterans' Home Nurse Loan Repayment Program. Emergency action is needed in order to permit the timely performance of activities necessary to implement this new program for the 2008 fiscal year.
- 10) A Complete Description of the Subjects and Issues Involved: These emergency rules govern the administration of the new Veterans' Home Nurse Loan Repayment Program. The rulemaking sets forth the applicant eligibility and program procedures. ISAC intends to adopt permanent rules through the regular rulemaking process prior to the expiration of these emergency rules.
- 11) Are there any proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 13) Information and questions regarding these emergency rules shall be directed to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015

847/948-8500, ext. 3304  
email: lhynes@isac.org

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2757  
VETERANS' HOME NURSE LOAN REPAYMENT PROGRAM

## Section

2757.10 Summary and Purpose

## EMERGENCY

2757.20 Applicant Eligibility

## EMERGENCY

2757.30 Program Procedures

## EMERGENCY

AUTHORITY: Implementing Public Act 95-0576 and authorized by Sections 10 and 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/10 and 20(f)].

SOURCE: Emergency rules adopted at 31 Ill. Reg. 13449, effective September 24, 2007, for a maximum of 150 days.

**Section 2757.10 Summary and Purpose****EMERGENCY**

- a) The Veterans' Home Nurse Loan Repayment Program is intended to pay eligible educational loans as an incentive for nurses to pursue and continue their careers at State of Illinois Veterans' Homes.
- b) This Part governs the Veterans' Home Nurse Loan Repayment Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

**Section 2757.20 Applicant Eligibility****EMERGENCY**

- a) A qualified applicant shall be:
  - 1) a resident of Illinois;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 2) a United States citizen or eligible noncitizen;
- 3) an individual who for each year during which a grant is received fulfills a separate 12 month period as a registered professional nurse or licensed practical nurse in a State of Illinois Veterans' Home;
- 4) a borrower with an outstanding balance due on an eligible educational loan;
- 5) an individual who is not in default on a federally guaranteed educational loan and does not owe a refund on a grant or scholarship program administered by ISAC;
- 6) a nurse who meets licensing requirements of the Department of Financial and Professional Regulation; and
- 7) a nurse who has completed the prescribed employment probationary period and whose employment is in good standing as determined by the Department of Veterans' Affairs.

**Section 2757.30 Program Procedures  
EMERGENCY**

- a) Eligible educational loans include:
  - 1) Stafford Loans;
  - 2) Graduate PLUS Loans;
  - 3) consolidation loans;
  - 4) nursing student loans;
  - 5) Supplemental Loans for Students;
  - 6) alternative loans; and
  - 7) other types of government and institutional loans used for nursing education expenses.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- b) Non-eligible loans include:
  - 1) credit card payments;
  - 2) Parent PLUS Loans;
  - 3) loans that have been paid in full;
  - 4) loans not governed by State or federal regulations obtained for the purpose of lending from private institutions or family members;
  - 5) any portion of a consolidated loan that cannot be directly attributed to the applicant; and
  - 6) any student loans that can be forgiven by a state or federal agency or a lending institution through a comparable educational debt repayment or forgiveness program.
- c) All applicants annually must complete an ISAC application for the loan repayment program.
  - 1) Applications are available at all State of Illinois Veterans' Homes, ISAC's web site, and ISAC's Springfield, Deerfield and Chicago offices.
  - 2) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the application is complete and received at ISAC's Deerfield office.
  - 3) Renewal applicants may be required to submit a history of prior awards in order to show program proceeds were used for eligible educational loans.
- d) Grant assistance under this program may be received for up to 4 years.
- e) ISAC shall select the recipients from among those who have submitted complete applications, including qualified new applicants and those who filed timely renewal applications and have supplied information required in subsection (c).

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- f) The total number of grants awarded in a given fiscal year is contingent upon available funding. If funding is insufficient to pay all eligible applicants, awarding will be based on the date the completed application is received in ISAC's Deerfield office. Preference may be given to renewal applicants provided that the recipient continues to meet the eligibility requirements.
- g) The amount repaid by ISAC to the loan holder shall be no more than the borrower's remaining balance on eligible educational loans and shall not exceed \$5,000 per year.
- h) Proceeds will be remitted directly to the holder of the loans to be repaid.
- i) The recipient and loan holder shall submit information for eligible educational loans in sufficient time for ISAC to make payments for each year in which the funds are awarded.
- j) If the loan holder receives an overpayment, the loan holder shall return the amount of the overage to ISAC. A supplemental request must be made by the recipient and processed by ISAC for any funds to be paid to another holder.
- k) When multiple loans are held by a single lending institution, the loan holder shall distribute the payment to one loan until paid in full.
- l) When possible, all loans held at a single lending institution shall be paid in full before monies are distributed to another loan holder.

## SECRETARY OF STATE

## NOTICE OF CODIFICATION CHANGES

1) Heading of the Part and Code Citation:

## BOARD OF REGENTS

Public Information, Rulemaking and Organization (2 Ill. Adm. Code 5075)

Freedom of Information Act Procedures (2 Ill. Adm. Code 5076)

2) Heading of the Part and Code Citation:

## BOARD OF ETHICS

Public Information, Rulemaking and Organization (2 Ill. Adm. Code 1600)

Freedom of Information (2 Ill. Adm. Code 1601)

3) Pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)], the Index Department has made the following changes in the codification of the above-named rules: The 4 Parts named above are hereby deleted from the *Illinois Administrative Code* because the Board of Regents and Board of Ethics no longer exist as agencies of Illinois State government and have no successor agencies.

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 39 are listed in the Issues Index by Title number, Part number, Volume and Issue.  
Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

## PROPOSED RULES

41 - 170	.....	13377
20 - 1730	.....	13429
17 - 110	.....	13439
23 - 2757	.....	13446

## EMERGENCY RULES

23 - 2757	09/24/2007.....	13449
-----------	-----------------	-------

## NOTICE OF CODIFICATION CHANGES

2 - 1601	.....	13455
2 - 1600	.....	13455
2 - 5076	.....	13455
2 - 5075	.....	13455

## ORDER FORM

<input type="checkbox"/> Subscription to the Illinois Register (52 Issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2005 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)                      \$ 2.00 <b>TOTAL AMOUNT OF ORDER</b> \$ _____	

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

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

Card #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Signature: \_\_\_\_\_

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

**Fax Order To:** (217) 524-0308

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

Published by **JESSE WHITE** · Secretary of State  
[www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)