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INTRODUCTION

The Illinois Register is the official State document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules; amendments to or repeaters 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.].

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**Editor's Note:** The Regulatory Agenda submission period will end July 1, 2010. The Division will no longer accept Regulatory Agendas after that time. The filing period for January 2011 will start October 1, 2010 with the last day to file being January 3, 2011.
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Standards for Award of Grants: School Construction Program

2) **Code Citation**: 71 Ill. Adm. Code 40

3) **Section Numbers**: Proposed Action:
   - 40.110: Amended
   - 40.130: Amended

4) **Statutory Authority**: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act, and the School Construction Law [105 ILCS 230]

5) **A Complete Description of the Subjects and Issues Involved**: LEED requirements have been added per the US Green Building Counsel requirements. CDB is also removing the square foot costs from 1998 and adding them to the School Construction Law Project Standards Manual to better reflect inflation.

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 amendments 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)].

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking**: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking in writing for a period of 45 days following publication of this Notice. All comments must be in writing and should be addressed to:

    Marcy Joerger, Administrator of Capital Programs
    Capital Development Board
    401 S. Spring Street
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

3rd Floor, William G. Stratton Bldg.
Springfield, IL 62706

217/782-8708
marcy.joerger@illinois.gov

Comments submitted by small businesses should be identified as such.

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 agendas because: The need for the rulemaking was not anticipated at that time.

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

NOTICE OF PROPOSED AMENDMENTS

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

PART 40
STANDARDS FOR AWARD OF GRANTS:
SCHOOL CONSTRUCTION PROGRAM

Section
40.100 Definitions
40.110 General
40.120 Planning Assistance Grants (Repealed)
40.130 Construction Grants
40.140 Debt Service Grants (Repealed)

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act, and the School Construction Law [105 ILCS 230].


Section 40.110 General

a) The Capital Development Board (hereinafter "Board") will implement the School Construction Law through its School Construction Program (hereinafter "SCP").

b) The objective of school grants is to fund classrooms and costs necessary for the support of classrooms. Items not fundable with grant funds may be funded with the school district's funds.
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

c) The Board will make no grant awards prior to compliance by the school district with the Illinois State Board of Education (ISBE) regulations for grant entitlement [105 ILCS 230/5-5].

d) The ISBE will forward the application to the Board to determine if the program statement has been provided and has adequate information to schedule a survey by the Board.

e) Proof of local share will be required by the Board prior to a grant award. A school district failing to have access to the local share of funds within the time period set forth in Section 40.130(c)(8)(H) of this Part shall be reprioritized and must update its application to establish its priority ranking for the following fiscal year.

f) If the school district begins the project in some manner (such as letting bids, awarding contracts, or starting actual construction) after entitlement is issued by the ISBE, such actions shall have no effect on the eligibility for a construction grant.

g) Grant awards will be issued in accordance with ISBE's priority ranking.

h) School districts shall enter into intergovernmental agreements with the Board that may include, but are not limited to, provisions for the following:

1) That funding of the State share in progress payments to school districts for project costs will be made upon submittal of required documentation by the school district.

2) That the school district agrees to comply with all applicable statutes, codes, and rules.

3) That establishment and maintenance of a separate set of accounts is required for the construction, study, and planning of the project in accordance with generally accepted accounting principles (FASB Accounting Standards, Financial Accounting Standards Board, High Ridge Park, Stanford, Connecticut 06905 (1998)).

4) That access to the work, materials, payrolls, and other data and records relevant to the project for purposes of audit and inspection by the Board or
other authorized agencies is required.

5) That the architect retained by the school district shall certify on each payment submittal that the expenditures were in accordance with the provisions of the appropriation Act and the terms of the intergovernmental agreement.

6) That increases in project costs added by change order shall not increase the amount of the State share.

7) That if the school district requests the Board to assume administrative or oversight duties, the extent of those duties requested shall be described in the intergovernmental agreement.

8) Other provisions as may be necessary, including those required to ensure a legal and binding agreement.

9) **Green Building**

   A) With respect to those school construction projects for which a school district first applies for a grant on or after July 1, 2007, the school construction project must receive certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System or the Green Building Initiative's Green Globes Green Building Rating System or must meet green building standards of the Capital Development Board and its Green Building Advisory Committee.

   B) With respect to those school construction projects for which a school district first applies for a grant on or after July 1, 2009, the school construction project must receive silver certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System.

   C) An allowance will be given to those districts seeking a green building certification or rating as outlined in the School Construction Law Project Standards.

(Source: Amended at 34 Ill. Reg. ______, effective _____________)


Section 40.130 Construction Grants

Prior to the award of a construction grant, school districts shall meet the following requirements:

a) Program Statements
Program statements must be submitted as part of the school district's Application for Construction Grant Entitlement for proposed facilities and sites requiring SCP funding. Program statements must conform to the School Construction Law Project Standards as developed by the Board and must address, but need not be limited to, the following:

1) project description and rationale
2) occupant capacity
3) site analysis
4) project design
5) funding sources and cost estimates
6) time schedule of major events

b) Prohibited Uses
Program statements shall not include any on-going operational costs or any construction projects for which the General Assembly and the Governor have approved specifically designated funds.

c) School Site Selection

1) The local school district shall select the sites for all new projects.
2) Suitability for Development and Construction

A) The site should be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays
NOTICE OF PROPOSED AMENDMENTS

in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving.

B) The site should not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, ground water incursions, vibrations, explosions, and electrical discharges. Site acquisition shall be subject to the Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], the Illinois Endangered Species Protection Act [520 ILCS 10], and the Environmental Protection Act [415 ILCS 58.15], as may be applicable.

3) Availability of Site
The school district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Extensions will be granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.

4) Site Size and Configuration
The proposed site should contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.

5) Utilities and Services
A) Water Supply
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

Water must be made available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.

B) Sanitary Sewage Disposal
The location or character of the site must not prevent the disposal of sanitary sewage from the school.

C) Storm Water Disposal
The location or character of the site must not prevent the disposal of storm water from the school.

D) Electric, Power, Telephone, Gas
The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.

E) Solid Waste Management Systems
Solid waste management services must be available to the site.

6) Architect/Engineer (A/E) Selection
The selection of an architect/engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].

7) Eligible and Ineligible Expenditures:

A) The Board will participate in the funding of academic facilities, including vocational/technical education facilities, for all programs approved by the ISBE, which are areas with a loading factor greater than zero as determined by the ISBE (see 23 Ill. Adm. Code 151.50(d)).

B) The Board will not participate in funding administrative facilities intended for district administration.

C) The Board will not fund facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

to be operated by non-profit organizations such as student groups, PTAs, etc.

D) Although the Board encourages development of facilities intended for joint use by school and community, the Board's participation in the funding of facilities intended for joint use by school and community is limited to those items required to meet the needs of the school's educational and support programs.

E) The Board will not participate in funding facilities designed exclusively for interscholastic activities.

F) Off-site improvements are defined as any improvements outside of the property line. Off-site improvements are not recognized as eligible project costs except under exceptional circumstances and only in those cases where the off-site improvements are necessary to the functional operation of a school facility. The following specific policies apply to off-site improvements:

i) Off-site improvements that exceed the requirements needed for the project are ineligible project costs. For example, if a larger water main is desired by the locality than is needed for the school project itself, the Board will not participate in any cost attributable to the increased size of the main.

ii) The district must provide documentation (appraisals, bills, etc.) that local and/or federal funding sources are not available to the district or any other public body for off-site improvements before the Board will consider participation in their funding.

iii) The Board's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is owned by a public body.

G) On-site improvements may be defined as any improvements outside the building's five feet line but inside the property line of the site. The Board's participation in funding on-site
CITIZENS DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

improvements is limited to those minimum requirements that are necessary to making the site functionally operational. The Board will not fund certain types of site improvements, including but not limited to the following:

i) Driver's education range

ii) Storage facilities

iii) Lawn sprinkling systems

iv) Exterior commons area, such as paved sitting areas, benches, etc.

v) Traffic signals at intersections

vi) Landscaping in excess of seeding costs

vii) Off-site access roads

H) The following types of spaces are not included in determining the square footage used to calculate the recognized project cost:

i) Gymnasium

ii) Cafeteria

iii) Auditorium

iv) Administrative office

v) Other ancillary spaces, including but not limited to:

Field house
Swimming pool
Indoor track
Permanent seating beyond school's student and staff population
Broadcast area
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

Radio/TV studios for primarily noninstructional uses
Coat room
Green room (auditorium/theater)
Teacher serving area
Meeting room
Exhibition room
District administration space
Bus storage
Bus maintenance space
Guard rooms
Toilet facilities beyond needs of school's students and staff
Before/after school programs space
Concession space
Bookstore

I) Items that are not allowable as eligible associated expenses for physical education outdoor space and facilities include, but are not limited to, the following:

i) Structures housing locker rooms

ii) Toilets and storage facilities

iii) Bleachers

iv) Lighting

v) Concession stands

vi) Broadcast booths

vii) Benches

viii) Scoreboards

ix) Artificial turf, and fencing except for health/life safety

J) Under the following circumstances, the Board will not fund land acquisition costs:
CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

i) Land was owned by school district prior to January 1, 1996.

ii) Land was purchased after January 1, 1996, but not supported by documentation.

iii) Land was donated to the school district.

iv) Land is already owned by the school district and will be the site of an addition to an existing facility.

8) State and Local Financial Participation in School Construction Projects

A) Policy Basis for Determinations

i) The School Construction Law [105 ILCS 230/5-30] states the following prioritization of school district needs for awarding grants:

- Replacement or reconstruction of school buildings destroyed or damaged by flood, tornado, fire, earthquake, or other disasters, either man-made or produced by nature;

- Projects designed to alleviate a shortage of classrooms due to population growth or to replace aging school buildings;

- Projects resulting from interdistrict reorganization of school districts contingent on local referenda;

- Replacement or reconstruction of school facilities determined to be severe and continuing health or life safety hazards;

- Alterations necessary to provide accessibility for qualified individuals with disabilities; and

- Other unique solutions to facility needs.
School districts identify such needs in their applications to ISBE for grant entitlements, and such needs become the basis for entitlement to a grant. Eligible expenditures as determined by CDB are limited to expenditures necessary to meet the project needs that are based on prioritization category of entitlement.

ii) The recognized project cost is the sum total of unit costs ($/sq. ft.) and eligible associated costs.

The maximum square foot allowance per student is commensurate with the national average and outlined in the School Construction Law Project Standards. The cost per square foot is outlined in the School Construction Law Project Standards and is escalated annually for inflation. The square foot allowance per student and cost per square foot standards are based on the applicable regional cost and square foot averages provided in the 1997 Council of Educational Facilities Planners (CEFPI) School Construction Report. Square foot costs are escalated three percent annually for inflation.

Eligible associated costs are those determined to be necessary to provide the infrastructure for the grant project.

B) Determination of Recognized Project Cost

i) Recognized project cost shall be based upon calculations in accordance with the School Construction Law Project Standards (see also subsection (c)(7)) and shall include unit cost ($/sq.ft.) as follows: buildings constructed to the five feet line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including
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related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil conditions. Specific associated cost allowances are outlined in the School Construction Law Project Standards.

Specific Associated Cost Allowances

For each eligible classroom, an allowance of $600 will be given when an enhanced security phone call-back system is installed.

The following building related maximum movable equipment allowances are provided:

$5,200/elementary classroom

$6,100/middle/junior high classroom

$6,900/high school classroom

ii) The recognized project costs initially calculated by the Board will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate amount included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference.

iii) The Board shall establish and include in the School Construction Law Project Standards (see also subsection (c)(7)) unit cost guidelines for determining the recognized project cost.

C) Project Standards for New Construction and Additions –

General
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The Board shall establish detailed project standards including space and capacity standards in the School Construction Law Project Standards (see also subsection (c)(7)). New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., Pre-K-6, 7-9, and 9-12. Economies of scale in terms of space per student can be anticipated for larger schools.

ii) Square Footage for Calculation of Unit Costs

The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

Square Foot Per Student

For a New School:

New Elementary School
Gross square footage per student 400
Gross square footage per additional student beyond 240 students 82

New Middle/Junior High School
Gross square footage per student 120
Gross square footage per additional student beyond 400 students 100

New High School
Gross square footage per student 140
Gross square footage per additional student beyond 600 students 110

Classroom Additions:

Elementary School
Gross square footage per student for additions for 250 or more students 400
CAPITAL DEVELOPMENT BOARD

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Gross square footage per student for additions
for less than 250 students 82

Middle School
Gross square footage per student for additions
for 250 or more students 120
Gross square footage per student for additions
for less than 250 students 100

High School
Gross square footage per student for additions
for 250 or more students 140
Gross square footage per student for additions
for less than 250 students 110

D) Renovation Projects
The recognized project cost for renovation projects is calculated by
an estimation of the eligible project costs. Eligible renovation
costs are for renovations to existing facilities determined to be
functionally over 100 years old (as determined by ISBE) or for
renovation projects in existing facilities that provide additional
classroom capacity.

E) Unit Costs
Unit costs ($/sq.ft.) used for determining the recognized project
cost, including A/E design fees, building construction to the five
feet line, fixed equipment, and a contingency shall be established
by the Board and included in the School Construction Law Project
Standards (see also subsection (c)(7)). In establishing unit costs
the Board shall be guided by current costs within the construction
industry and the goal of receiving fair value for public funds
expended.

F) Limits on SCP Participation and Site Cost
Districts will not receive grant funding for acreage beyond the
following maximums:
Elementary – 5 acres plus 1 acre per 100 students,
Middle/Junior High – 15 acres plus 1 acre per 100 students, and
High School – 20 acres plus 1 acre per 100 students.
G) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the grant index as defined by the School Construction Law and determined by the ISBE. For each grant issued after September 1, 1999, the equalized assessed valuation and average daily attendance used in calculating a district's grant index shall be taken from the district's general State aid claim filed in the fiscal year in which the grant entitlement is made. The average daily attendance to be used shall be the district's best three months' average daily attendance. A grant index shall lapse if a grant is not awarded within 36 months after entitlement, and a new grant index shall be issued based upon the district's most recent general State aid claim.

H) School districts must have access to the local share of the recognized project cost before a grant award will be given. Proof (referendum, resolution, etc.) of the local share will be required by the Board.

I) The local share of the recognized project cost may be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.

J) School districts may add to a project cost beyond the recognized project cost with local funds. Funds for such project supplements may be deposited in local trust accounts.

K) All enrichment project costs that are not included in the recognized project cost and designated as ineligible expenditures by the Board will be paid by the school district.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)
NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Correctional Industries

2) **Code Citation:** 20 Ill. Adm. Code 117

3) **Section Number:** Proposed Action:
   117.50     Amend

4) **Statutory Authority:** Implementing Sections 105/25 of the State Finance Act and 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14 of the Unified Code of Corrections [30 ILCS 105/25 and 730 ILCS 5/3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, and 3-12-11a, 3-12-12, and 3-12-14] and authorized by Sections 3-2-2, 3-12-2, 3-12-4, 3-12-5, 3-12-9, and 3-12-14 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-12-2, 3-12-4, 3-12-5, 3-12-9, and 3-12-14]

5) **A Complete Description of the Subjects and Issues Involved:** This rulemaking is being amended to clarify the Department's billing practice and use of "catch-up billing".

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

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

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

9) **Does this rulemaking contain incorporations by reference?** No

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

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

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may submit written comments during the 45-day First Notice Period, which commences on the issue date of this publication of the Illinois Register to:

    Beth Kiel, Rules Coordinator
    Illinois Department of Corrections
    1301 Concordia Court
ILLINOIS REGISTER

ILLINOIS DEPARTMENT OF CORRECTIONS

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P.O. Box 19277
Springfield, Illinois  62794-9277

217/558-2200, extension 6511

All written comments received after 45 days from the date of this publication will be considered, time permitting.

13)  Initial Regulatory Flexibility Analysis:

A)  Types of small businesses, small municipalities and not for profit corporations affected: Any group doing business with Correctional Industries. However, this practice has been in place for many years. DOC is merely clarifying the process.

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

C)  Types of professional skills necessary for compliance: Standard bookkeeping

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

The full text of the Proposed Amendment begins on the next page:
NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 117
CORRECTIONAL INDUSTRIES

Section
117.5  Applicability
117.10 Definitions
117.15 Responsibilities
117.20 Correctional Industries Program
117.30 Assignment to Correctional Industries
117.40 Hours and Conditions of Labor
117.50 Purchase of Industry Goods or Services
117.60 Food Production and Processing
117.70 Recycling and Refuse Program
117.80 Animal Training and Care Program

AUTHORITY: Implementing Sections 105/25 of the State Finance Act and 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14 of the Unified Code of Corrections [30 ILCS 105/25 and 730 ILCS 5/12/1, 3-12-2, 3-12-, 3-12-5, 3-12-6, 3-12-7, 3-12-9, and 3-12-11a] and authorized by Sections 3-2-2, 3-12-2, 3-12-4, 3-12-5, 3-12-9, and 3-12-14 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-12-1, 3-12-2, 3-12-3, 3-12-4, 3-12-5, 3-12-6, 3-12-7, 3-12-9, 3-12-11a, 3-12-12, and 3-12-14].

SOURCE: Adopted at 23 Ill. Reg. 13597, effective November 1, 1999; amended at 26 Ill. Reg. 658, effective January 15, 2002; amended at 34 Ill. Reg. _____, effective ____________.

Section 117.50  Purchase of Industry Goods or Services

a) A list of goods or services available through Correctional Industries and the cost for such goods or services shall be maintained. To obtain a listing or to make purchases, interested persons may contact the Correctional Industries Program at:

Illinois Department of Corrections
Correctional Industries Program
1301 Concordia Court
Box 19722
b) In accordance with Section 3-12-7 of the Unified Code of Corrections, the State, its political units, its agencies and public institutions are required to purchase needed articles, materials, industry related services, food stuffs, and supplies that are supplied or manufactured by the Correctional Industries Program unless the Department certifies that the items requested are not readily available.

c) Goods or services shall be allocated in the following order:

1) Department.

2) State agencies and public institutions.

3) Political subdivisions of the State and its agencies in which the producing facility is located.

4) Political subdivisions of the State and their agencies or public institutions.

5) Open market.

6) Not-for-profit organizations in Illinois.

7) Government in other states.

8) Units of the Federal Government.

9) Not-for-profit organizations in other states.

d) Monies generated by the Correctional Industries Program shall be deposited in the Working Capital Revolving Fund of the Correctional Industries Program.

e) Correctional Industries shall make reasonable efforts to bill and collect receivables in the fiscal year in which the debit was incurred.

f) Correctional Industries shall issue catch-up billing in the subsequent fiscal for those accounts that show a balance for the prior fiscal year.
g) Correctional Industries shall issue credit or refunds for deficiencies noted or upon request of the purchaser.

h) Correctional Industries shall not use catch-up billing or credit and refunds to intentionally circumvent fiscal year budgetary controls.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)
ILLINOIS REGISTER 8813

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1) **Heading of the Part:** Riverboat Gambling

2) **Code Citation:** 86 Ill. Adm. Code 3000

3) **Section Numbers:**

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4) **Statutory Authority:** Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically subsections 5 (c) (2), (3), and (6) of this Act [230 ILCS 10/5 (c) (2), (3), and (6)].

5) **A Complete Description of the Subjects and Issues Involved:** The definition of "Supplier" is amended in Section 3000.100 of the Illinois Gaming Board's rules (86 Ill. Adm. Code 3000.100) so that it no longer includes gaming operations managers or providers of any goods and services where payment is calculated by a percentage of a riverboat gaming operation's revenues. As amended the definition of "Supplier" will include only the following:

(i) Providers of gaming equipment and supplies, gaming equipment maintenance or repair services, and security services and

(ii) Lessors of riverboat or dock facilities.

In addition, language is deleted in Section 3000.200(b) (86 Ill. Adm. Code 3000.200(b)) regarding gaming operations managers and the requirement that its employees hold occupational licenses. Also deleted is language related to a supplier of any goods or services where payment is calculated by a percentage of a riverboat gaming operation’s revenues. Language is added to Section 3000.200(c) (86 Ill. Adm. Code 3000.200(c)) requiring that any employee of a gaming operations manager, who is employed at a riverboat gaming operation, must hold an occupational license.

Finally, Section 3000.222 (86 Ill. Adm. Code 3000.222) is amended by expanding the definition of "key person" to include a gaming operations manager or a functional equivalent who has influence and/or control over the conduct of gaming or the riverboat gaming operation.
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The rationale for the proposed changes is the following: Under the present language of Section 3000.100, gaming operations managers are deemed suppliers. This classification contradicts the language of Section 8 of the Riverboat Gambling Act [230 ILCS 10/8 (West 2008)], which provides that holders of a supplier's license are authorized only "to sell or lease, gambling equipment and supplies to any licensee involved in the ownership or management of gambling operations". The management function itself does not fall within the purview of this statutory authority. The proposed amendment classifies a gaming operations manager as a key person rather than a supplier, thus bringing the Board's rules into conformity with the underlying statute. Moreover, the amendment retains the Board's ability to perform a background investigation on a gaming operations manager and requires it to maintain key person status in order to continue as a gaming operations manager. Employees of a gaming operations manager who have any duty, authority or function over the gaming operation must have an occupational license or key person status.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the Illinois Register to:

   Michael Fries
   General Counsel
   Illinois Gaming Board
   160 North LaSalle Street
   Chicago, Illinois 60601
13) **Initial Regulatory Flexibility Analysis:**

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

B) **Reporting, bookkeeping or other procedures required for compliance:** The proposed rulemaking will impose no additional requirements.

C) **Types of professional skills necessary for compliance:** The proposed rulemaking will impose no additional requirements.

14) **Regulatory agenda on which this rulemaking was summarized:** This rulemaking was not summarized on a regulatory agenda.

The full text of the Proposed Amendments begins on the next page:
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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

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3000.101 Invalidity
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3000.281 Transfer of Registration (Repealed)
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SUBPART E: CRUISING

Section
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3000.1010 Accounting Records
3000.1020 Standard Financial and Statistical Records
3000.1030 Annual and Special Audits and Other Reporting Requirements
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3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
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3000.1105  Duty to Maintain Suitability
3000.1110  Board Action Against License or Licensee
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3000.1125  Answer
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3000.1130  Discovery
3000.1135  Motions for Summary Disposition
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3000.1155  Transmittal of Record and Recommendation to the Board

AUTHORITY:  Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

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SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act [230 ILCS 10].

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency and/or Vouchers, validates the currency and/or Vouchers, stores the currency and/or Vouchers, and issues Electronic Credits equal to the value of currency and/or Vouchers inserted into the device.

"Board": The Illinois Gaming Board.
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"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license for use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Computer Monitoring System": The gaming related system used to provide on-line, real-time monitoring of Electronic Gaming Devices and data acquisition capability in the format and media approved by the Administrator.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency and/or Vouchers collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills minus Vouchers issued.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage.
and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Expiration Date": The one-year period, starting on the day of issuance, during which Vouchers may be redeemed for United States currency at a cashier's cage of a Riverboat Gaming Operation.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; Voucher Systems; Voucher Printers; Voucher Validation Terminals; Computer Monitoring Systems; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.
"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a Riverboat Gaming Operation and is compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A Person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owner or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of $100 per patron per trip for identifying and recruiting patrons.

"Non-Alterable Storage Media": An electronic storage medium that contains the program files that operate the game, which medium cannot be altered through the use of the circuitry or programming of the gaming device.
"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Redemption Period": The 120-day period during which a Voucher may be used to acquire electronic credits from an Electronic Gaming Device or to obtain United States currency from a Voucher Validation Terminal. After their Redemption dates and prior to their Expiration dates, Vouchers may be redeemed for United States currency only at a cashier cage of a Riverboat Gaming Operation.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Remote Access": Communication with an electronic information system from a
remote location or facility through a data link.

"Riverboat": A navigable vessel or a permanently moored vessel comprised of one or more barges that are permanently attached to operate as one barge.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Signature": The definitive identity of an individual specific EPROM chip or other non-alterable storage media, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment/Supplies, Gaming Equipment maintenance or repair services, security services or a lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens or Electronic Credits from amounts wagered that will be returned to players by an Electronic Gaming
Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Voucher": A printed paper scrip representing the value in United States currency stated on the face of the scrip that is issued by a Voucher Printer connected to an Electronic Gaming Device at a Riverboat Gaming Operation and which scrip is redeemable for electronic credits or United States currency and is not a coupon or other promotional item.

"Voucher Float": The difference between the total face value of unexpired Vouchers issued by a Riverboat Gaming Operation and the total face value of Vouchers accounted for by the Riverboat Gaming Operation as redeemed or expired.

"Voucher Printer": A device designed for the purpose of issuing Vouchers at Electronic Gaming Devices at a Riverboat Gaming Operation.

"Voucher System": The hardware and software used to issue and validate Vouchers, record redemptions and account for Vouchers.
"Voucher Validation Terminal": A hard-wired and interfaced device that accepts Vouchers and communicates the Voucher information to the Voucher System for the System to validate the information. If the System confirms that the Voucher is valid, the terminal then stores the Voucher and issues United States currency equal to the value of the Voucher.

"Wager": A sum of money or thing of value risked.

(Source: Amended at 34 Ill. Reg. _____, effective ____________)

SUBPART B: LICENSES

Section 3000.200 Classification of Licenses

The Board may classify an activity to be licensed in addition to, different from, or at a different level than the classifications set forth in this Subpart.

a) Owner's License. An owner of a Riverboat Gaming Operation is required to hold an Owner's license.

b) Supplier's License. The following persons or entities are required to hold a Supplier's license:

1) Gaming Operations Manager (individual or entity). All employees of a Gaming Operations Manager who have any duty, authority or function relating directly or indirectly to the Gaming Operation will be required to hold an Occupation License in accordance with subsection (c) of this Section.

2) Supplier of Gaming Equipment/Supplies, including a manufacturer, distributor, wholesaler, or retailer. All manufacturers of Electronic Gaming Devices, Chips, Tokens, Voucher Systems, Voucher Validation Terminals, Voucher Printers, and Computer Monitoring Systems must be licensed as a Supplier regardless of whether the manufacturer uses an independent distributor or wholesaler to distribute its Equipment/Supplies.

3) Supplier of Gaming Equipment maintenance or repair services.

4) Supplier of security services.
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45) Lessors of Riverboat and/or dock facilities.

6) Supplier of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

57) Junketeers.

68) Any other purveyor of goods or services to a Riverboat Gaming Operation, as deemed necessary by the Board.

c) Occupation License. A person employed at a Riverboat Gaming Operation by the Owner licensee or by a Gaming Operations Manager is required to hold an Occupation license. An Occupation licensee may perform any activity included within the licensee's level of Occupation license or any lower level of Occupation license.

1) Occupation license, Level 1, includes the following positions, or their equivalent:

A) Audit Manager;

B) Casino Manager;

C) Chief of Security;

D) Chief of Surveillance;

E) Chief Financial Officer and/or Controller;

F) EDP Manager;

G) Electronic Gaming Device Manager;

H) General Manager; and

I) Table Games Manager; and.
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J) Any other individual who, upon review of the applicant's or licensee's Table of Organization, Ownership and Control submitted under Section 3000.223, the Board determines holds a position or a level of ownership, control or influence that is material to the regulatory concerns and obligation of the Board for the specified licensee or applicant.

2) Occupation License, Level 2. A Gaming or security/surveillance employee not required to hold an Occupation license under subsection (c)(1) of this Section.

3) Occupation License, Level 3. An employee not required to hold an Occupation license, Level 1 or Level 2 under subsections (c)(1) and (c)(2) of this Section.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 3000.222 Identification and Requirements of Key Persons

a) The Board shall certify for each applicant for or holder of an Owner's or Supplier's license each position, individual or Business Entity that is to be approved by the Board and maintain suitability as a Key Person of the licensee.

b) Supplier Key Persons. With respect to an applicant for or holder of a Supplier's license, Key Person shall include:

1) The Chief Executive Officer and the Chief Operating Officer, or their functional equivalents, and each individual or Business Entity that is a Substantial Owner.

2) Each individual or Business Entity that is a Substantial Owner of any Business Entity that is a Substantial Owner of the Illinois applicant or licensee.

3) All other individuals or Business Entities that, upon review of the applicant's or licensee's Table of Organization, Ownership and Control submitted under Section 3000.223, the Board determines hold a position or a level of ownership, control or influence that is material to the regulatory concerns and obligations of the Board for the specified licensee.
c) Owner Licensee Key Persons. With respect to an applicant for or the holder of an Owner's license, Key Person shall include:

1) Any Business Entity and any individual with an ownership interest or voting rights of more than 5 percent in the licensee or applicant, and the trustee of any trust holding such ownership interest or voting rights.

2) The directors of the licensee or applicant and its chief executive officer, president and chief operating officer, or their functional equivalents.

3) A Gaming Operations Manager or any other business entity or individual who has influence and/or control over the conduct of gaming or the Riverboat Gaming Operation.

4) All other individuals or Business Entities that, upon review of the applicant's or licensee's Table of Organization, Ownership and Control submitted under Section 3000.223, the Board determines hold a position or a level of ownership, control or influence that is material to the regulatory concerns and obligations of the Board for the specified licensee or applicant.

d) Level 1 Occupational Licensees. Individuals required to apply for and hold a Level 1 Occupational License, pursuant to Section 3000.200(c), may also be certified by the Board as Key Persons. For such individuals, the disclosure and approval requirements and the standards for compliance with this Part shall be those related to occupational licensure.

1) An individual denied occupational licensure or whose license is revoked by a final determination of the Board is unsuitable and shall not be allowed to function as a Key Person of any applicant or licensee.

2) An individual who, by voluntary action, relinquishes status as a Level 1 Occupational Licensee and remains or becomes a Key Person shall be required to comply with all requirements imposed by the Board and this Part upon Key Persons.

e) Each individual or Business Entity designated as a Key Person shall:
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1) File a Business Entity Form or Personal Disclosure Form 1 or its equivalent.

2) File, on an annual basis, a disclosure affidavit, updated personal and background information, and updated tax and financial documents and information.

3) Comply with the applicable provisions of this Part and disclose promptly to the Board any material changes in status or information previously provided to the Board.

4) As required, cooperate fully with any investigation conducted by the Board.

5) Maintain suitability as a Key Person.

6) Be subject to a fine for each act or omission that is grounds for discipline of a licensee under the provisions of Section 3000.110.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)
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1) **Heading of the Part:** Child Care

2) **Code Citation:** 89 Ill. Adm. Code 50

3) **Section Numbers:** Proposed Action:
   - 50.105 New Section
   - 50.210 Amendment

4) **Statutory Authority:** Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

5) **A Complete Description of the Subjects and Issues involved:** Based on a recommendation from the Attorney General's Office that resulted from a recent case challenged in circuit court, the Department is proposing this rulemaking to clarify who may apply for child care assistance. This rulemaking specifies the provisions that will be used to determine when one parent in a two-parent household is unable to work and unable to provide care for his or her own child. This rulemaking establishes that the applicant will be required to furnish written documentation to verify the other parent’s disability, participation in a drug abuse or alcohol rehabilitation program, military service away from home, or participation in a DHS program. This rulemaking also establishes that in determining whether an individual is not capable of providing safe and competent care, the Department will consider the age of the child, special needs, the degree of supervision required, medical information, and all other available evidence. In addition, this rulemaking adds a new section of definitions to the Child Care rules.

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

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

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

9) **Does this rulemaking contain incorporations by reference?** No

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

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11) **Statement of Statewide Policy Objectives**: This rulemaking does not create or expand a State mandate.

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking**: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

    217/785-9772

13) **Initial Regulatory Flexibility Analysis**:

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

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

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

14) **Regulatory agenda on which this rulemaking was summarized**: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

# DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

### TITLE 89: SOCIAL SERVICES

#### CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

#### SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

### PART 50

#### CHILD CARE

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a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. ____________, effective ______________.

SUBPART A: GENERAL PROVISIONS

Section 50.105 Definitions

"Access to Children" – an employee (including volunteers) whose job duties require that the employee be present in the child care facility during the hours that children are present in the facility and includes any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in the facility.

"Background Check" –

a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois and National Sex Offender Registries.
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"CANTS" – the Child Abuse and Neglect Tracking System operated and maintained by the Department of Children and Family Services. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Child Care Provider" or "Child Care Facility" – any individual, group of persons, agency, association, or organization that provides programs or services exclusively directed towards persons under the age of 18.

"Conviction" – a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Family" – the applicant, his or her spouse, and the biological or adoptive children or stepchildren of the applicant or his or her spouse under age 21 living in the same household. Family must also include the child for whom care is requested, the child's dependent blood-related and adoptive siblings, and the child's and sibling's parents living in the same household. The applicant may include in his or her family other persons related by blood or law to the applicant or his or her spouse living in the same household if they are dependent upon the family for more than 50 percent of their support. The applicant may include in his or her family a child of the applicant or his or her spouse under age 21 who is dependent upon the family for more than 50 percent of his or her support and who is a full-time student away at school, provided he or she has not established legal residence outside the family household.

"Improper Payment" – any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements, and includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for applicable discounts.

"Parents" or "Parents or other Relatives" – applicants for or recipients of child care assistance who reside in the same household as the child. Parents or other relatives include:

a biological parent;
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an adoptive parent;

a child's biological or adoptive parent who is the primary residential parent (custodian) of the child:

in an order of joint custody entered pursuant to Section 602.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5]; or

in an original or modification proceeding as provided in Section 201 of the Uniform Child-Custody Jurisdiction and Enforcement Act [750 ILCS 36], pursuant to Section 601 of the Illinois Marriage and Dissolution of Marriage Act;

a stepparent;

a legal guardian; or

a caretaker relative within the fifth degree of kinship. The degrees of kinship are the following blood and adoptive relatives:

First Degree of Kinship:

father; or

mother.

Second Degree of Kinship:

brother;

sister;

grandfather; or

grandmother.

Third Degree of Kinship:
great-grandfather;
great-grandmother
uncle;
aunt;
nephew; or
niece.

Fourth Degree of Kinship:
great-great-grandfather;
great-great-grandmother;
great-uncle;
great-aunt;
first cousin;
great-niece; or
great-nephew.

Fifth Degree of Kinship:
great-great-great-grandfather;
great-great-great-grandmother;
great-great-uncle;
great-great-aunt;
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first cousin once removed;

second cousin;

great-great niece; or

great-great nephew.

Step-Relatives:

step-father;

step-mother;

step-brother; or

step-sister.

"Persons Subject to Background Checks" –

the operators of the child care facility;

all current and conditional employees of the child care facility;

any person who is used to replace or supplement staff; and

any person who has access to children.

If the child care facility operates in a family home, the provider and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Teen Parent" – parents through age 19.

"Two-Parent Household" or "Two-Parent Family" – a family with two parents living in the home; includes unmarried parents who share a child in common.
"Work"—a trade, profession, or other means or legal livelihood for which a wage, salary, or monetary compensation is paid.

(Source: Added at 34 Ill. Reg. _____, effective ____________)

SUBPART B: APPLICABILITY

Section 50.210 Child Care

a) To the extent resources permit, the Department shall provide child care services:

1) to parents or other relatives who are working outside the home;

2) to parents or other relatives who are participating in employment, training, or education programs outside the home that are approved by the Department; and

3) to teen parents to enable them to obtain a high school degree or its equivalent.

b) In a two-parent household, both parents must be working or in an approved education and training activity and unavailable to care for the children unless one of the parents is unable to care for the children for one of the following reasons:

1) A physical or mental disability that limits the ability of the parent to provide adequate child care;

2) Participation in an alcohol or drug abuse rehabilitation program;

3) Military service away from home; or

4) Participation in a Department approved program such as a Work and Training Activity or Teen Parent Services (TPS). The term "parents" and the phrase "parents or other relatives" refer to applicants for or recipients of child care services. They include a child's custodial biological or adoptive parent, stepparent, legal guardian, or caretaker relative within the fifth degree of kinship.
The applicant must furnish written documentation to verify the reason why the other parent is unable to work and unable to provide care for his or her own child.

1) To document the other parent's physical or mental health problem or participation in a rehabilitation program, the applicant shall submit written verification from the treating physician, psychiatrist, or other appropriate licensed health care practitioner that includes details of the nature and degree of the person's disability or impairment, the reason the condition prevents the individual from providing care, and the projected length of disability.

2) To document military service away from home, the applicant must furnish a copy of the orders from the appropriate branch of the military that details the length and location of the assignment, as well as any money allowances for clothing and housing.

3) To document participation in a Department approved program, the applicant must submit a copy of the RSP (FORM 4003) or other relevant Department forms signed by the caseworker. In determining whether one of the parents is unable to care for the children, the Department shall consider the age of the child, special needs, the degree of supervision required, medical information, and all other available evidence. Family means the applicant, his or her spouse, and the biological or adoptive children or stepchildren of the applicant or his or her spouse under age 21 living in the same household. Family must also include the child for whom care is requested, the child's dependent blood related and adoptive siblings, and the child's and sibling's parents living in the same household. The applicant may include in his or her family other persons related by blood or law to the applicant or his or her spouse living in the same household if they are dependent upon the family for more than 50 percent of their support. The applicant may include in his or her family a child of the applicant or his or her spouse under age 21 who is dependent upon the family for more than 50 percent of his or her support and who is a full-time student away at school, provided he or she has not established legal residence outside the family household.

d) Teen parent means parents through age 19.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

DEPARTMENT OF HUMAN SERVICES

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1) **Heading of the Part:** Crisis Assistance

2) **Code Citation:** 89 Ill. Adm. Code 116

3) **Section Number:** Proposed Action:
   116.500 Amendment

4) **Statutory Authority:** Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Aarts. III, IV and VI and 12-13]

5) **A Complete Description of the Subjects and Issues involved:** Public Act 96-866 is effective July 1, 2010. It states that Crisis Assistance shall be provided where a family has become homeless because they left their residence due to domestic or sexual violence or a family has been deprived of the household’s income as a result of sexual or domestic violence. This change in statute falls under the Department's TANF Program. As a result, this proposed rulemaking expands eligibility for Crisis Assistance to families who have lost their household's income as a result of sexual or domestic violence. This rulemaking also expands eligibility for Crisis Assistance to a caretaker and child who have been deprived of the household's income as a result of domestic or sexual violence.

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

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

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

9) **Does this rulemaking contain incorporations by reference?** No

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

11) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand a State mandate.

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

217/785-9772

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment begins on the next page.
NOTICE OF PROPOSED AMENDMENT

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

PART 116
CRISIS ASSISTANCE

Section 116.10 Incorporation By Reference

Section 116.400 Crisis Assistance Programs (Repealed)

Section 116.500 Crisis Assistance

Section 116.510 Emergency Assistance Program (Repealed)

Section 116.520 Hardship Program (Repealed)

AUTHORITY: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].


Section 116.500 Crisis Assistance

a) A crisis assistance payment may be provided to TANF recipients, as per Section
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

4-12 of the Illinois Public Aid Code [305 ILCS 5/4-12], in the following situations:

1) The family is rendered homeless or is threatened with homelessness as a result of a fire, flood or other natural disaster.

2) The family has an eviction or a court order to vacate the premises for any reason.

3) A caretaker and child have left their residence due to domestic or sexual violence occupied by a person who was physically abusing the now homeless caretaker or child.

4) A caretaker and child have been deprived of the household's income as a result of domestic or sexual violence.

5) The family is deprived of essential items of furniture and/or clothing by fire, flood or other natural disaster.

6) The family is deprived of food as a result of fire, flood, or other disaster which does not render the family homeless and the need cannot be met through SNAP the food stamp program. Food cannot be authorized for replacement of lost or stolen food stamps.

7) As result of documented theft or documented loss of cash, the family is deprived of food or essential clothing. The amount issued for lost/stolen cash cannot exceed the amount that was lost and can never exceed the amount of the monthly payment level for a family of that size.

8) The family has non-medical needs related to essential medical care. Non-medical needs for essential medical care are needs associated with the provision of specialized or essential medical care and include the following:

A) Food – when overnight lodging is required or when extensive travel is required during the day in order to obtain essential or specialized medical care.

B) Lodging – when overnight lodging is required to obtain essential or
specialized medical care.

C) Transportation to the source of essential or specialized medical care when it cannot be provided by the Medical Assistance Program or some other source. Transportation expenses for routine office visits associated with normal medical care shall not be allowed.

b) Payment shall be made for the following items when the recipient has demonstrated a need for such an item:

1) One month's rent;

2) Food (minus the amount of available food stamps);

3) Essential clothing:
   A) Essential clothing is defined as those articles of clothing appropriate for the season which the recipient would have purchased with the money which is lost or stolen;
   B) If everyone in the assistance unit has at least one full set of clothing, appropriate to the season, this allowance for clothing will not be authorized;

4) Household supplies;

5) Essential household furnishings; and

6) Non-medical needs related to essential medical care. Eligibility for non-medical needs related to essential medical care is determined through the verification of a specialized or essential medical need. The verification of a specialized or essential medical need is provided by the client's doctor.

c) Maximum Payments

1) Shelter Costs: One month's rent not to exceed $250.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

2) Clothing, Household Supplies

<table>
<thead>
<tr>
<th>Size of Assistance Unit</th>
<th>Clothing</th>
<th>Household Supplies</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>$ 34.00</td>
<td>$11.00</td>
</tr>
<tr>
<td>2</td>
<td>$ 58.00</td>
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</tr>
<tr>
<td>10</td>
<td>$291.00</td>
<td>$24.00</td>
</tr>
</tbody>
</table>

3) Food – $5 per person per day until the receipt of the next regular payment not to exceed 30 days.

4) Household Furnishings

A) Kitchen table – $50 (one per assistance unit)

B) Kitchen Chair – $10 (one per person in assistance unit)

C) Beds – to ensure adequate sleeping facilities for all members of the assistance unit.
   i) Bed frame – $30
   ii) Single mattress and springs – $70
   iii) Double mattress and springs – $100
   iv) Bunk beds (including mattresses and springs) – $130
   v) Crib (including mattress) – $65

5) Non-Medical Needs Related to Essential Medical Care

A) Food – $9 a day or $3 per meal.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

B) Lodging – Lodging expenses shall be approved for the least expensive rate which provides lodging that is adequate and available to meet the individual's needs. Payment will not be provided for a higher amount if it can be determined that lodging is available free of charge or at a lower rate.

C) Transportation – When transportation cannot be provided by the Medical Assistance Program, transportation expenses shall be approved for the least expensive mode of transportation adequate to meet the individual's needs. When transportation is by private automobile, the allowable rate shall be at 14 per mile.

d) Time Limits
   A decision on a request shall be made within 5 work days of the date of request. Assistance shall be authorized within 2 work days following the decision.

e) Assistance provided through the Crisis Assistance Program shall not be considered as income in computing the regular assistance grant, SNAP food stamp benefits, child care co-payments, and other needs-based assistance issued by the Department.

f) Assistance is provided only if the destitution or need did not arise from a refusal, without good cause, to accept employment or training for employment. (See 89 Ill. Adm. Code 112.)

(Source: Amended at 34 Ill. Reg. _______, effective ____________)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Supplemental Nutrition Assistance Program (SNAP)

2) **Code Citation:** 89 Ill. Adm. Code 121

3) **Section Number:** Proposed Action:
   121.63 Amendment

4) **Statutory Authority:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]

5) **A Complete Description of the Subjects and Issues involved:** This proposed rulemaking is the result of the Standard Medical Deduction Demonstration Project authorized by USDA Food and Nutrition Services. Section 5(e)(5) of the Food and Nutrition Act of 2008 provides that Supplemental Nutrition Assistance Program (SNAP) households containing an elderly or disabled member are entitled to a deduction from household income for actual costs of allowable medical expenses incurred by the elderly or disabled member that exceed $35 a month. The Department has been authorized to waive these provisions in order to operate the Standard Medical Deduction Demonstration Project.

   This proposed rulemaking establishes that the Department will use a Standard Medical Deduction for households containing a qualifying member. Eligible households will be entitled to a Standard Medical Deduction of $450 for residents of Group Homes and Supportive Living Facilities if their medical expenses exceed $35 a month. All other eligible households will be eligible for a Standard Medical Deduction of $210 if their medical expenses exceed $35 a month. Households whose medical expenses exceed $485 and $245 a month respectively may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction. To ensure federal costs do not increase as a result of implementing the Standard Medical Deduction Demonstration Project, USDA Food and Nutrition Services has established that the Standard Deduction will be reduced by $4 per month for all SNAP households to offset the increased costs of applying the Standard Medical Deduction to households whose medical expenses are in excess of $35 but are less than the Standard Medical Deduction.

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
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

9) Does this rulemaking contain incorporations by reference? No

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

Section Number: Proposed Action: Illinois Register Citation:
121.20 Amendment 34 Ill. Reg. 6564; May 14, 2010

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

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

217/785-9772

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment begins on the next page:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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NOTICE OF PROPOSED AMENDMENT

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121.64 Food Stamp Benefit Amount

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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121.178 Job Training Component (Repealed)
121.179 JTPA Employability Services Component (Repealed)
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121.182 Earnfare Activity
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121.186 Good Cause for Failure to Cooperate
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121.200 Types of Claims (Recodified)
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121.223 Work Experience Component (Repealed)
121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

NOTICE OF PROPOSED AMENDMENT

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SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions from Monthly Income

a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.

b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.

c) Standard Deduction. The standard deduction for a household size of one through three persons is $141. The standard deduction for a household size of four persons is $153. The standard deduction for a household size of five persons is $179. For households of six or more persons, the standard deduction is $205. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (h) of this Section.

d) Dependent Care Deduction

1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).

2) The amount of the deduction is to be determined by the actual costs for
care per month for each dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed $459.

2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

3) Shelter costs include only the following:

   A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);

   B) property taxes, State and local assessments and insurance on the structure itself; and

   C) utility costs, as described in subsection (g) of this Section.

4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:

   A) the household intends to return to the home;

   B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and

   C) the home is not leased or rented during the absence of the household.
DEPARTMENT OF HUMAN SERVICES

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5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

1) Utility costs include:

   A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;

   B) basic service fee for one telephone (including tax on the basic fee) of $29; and

   C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of $304. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of $190. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of $41. If only a separately-billed telephone expense is claimed, the basic telephone allowance of $29 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.

5) Households in public housing or privately-owned rental units that receive
a bill for over-usage are entitled to use the air conditioning/heating
standard allowance. When households (as defined at 7 CFR
273.1(a)(2008)) live together, the air conditioning/heating standard
allowance, the limited utility standard allowance, or the single utility
standard allowance, whichever is appropriate, shall be allowed for each
household that contributes toward the utility costs whether or not each
household participates in the program.

6) Households whose expense for heat or electricity, or both, is covered by
indirect energy assistance payments under the Low Income Home Energy
Program (89 Ill. Adm. Code 109) shall be entitled to the air
conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6)
(2008)). Households who receive, or reasonably expect to receive, a Low
Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109)
payment during the 12-month period, beginning with the date of the SNAP
application, shall be allowed the air conditioning/heating standard (7 CFR
273.9 (2008)). The provisions of subsection (f)(3) of this Section are
applicable to households whose expenses for heating or electricity, or
both, are covered by indirect energy assistance payments.

7) A household that has both an occupied home and an unoccupied home is
entitled to only one standard. The appropriate utility standard may be
used for the home the household chooses.

h) Excess Medical Deduction. A deduction for excess medical expenses shall be
allowed for households which contain an elderly or disabled member as defined at
7 CFR 271.2 (2008) and Section 121.61. When a qualifying household member incurs medical expenses that exceed $35, the household will be given a Standard Medical Deduction (SMD). If the expenses will not be reimbursed by insurance or a third party, the SMD is a result of a Demonstration Project authorized by USDA FNS. The SMD is $450 a month for residents of Group Homes or Supportive Living Facilities and $210 a month for all other eligible households. Households whose medical expenses exceed $485 and $245 a month, respectively, may opt to claim actual documented medical expenses in lieu of the SMD and the amount over $35 will be allowed as a deduction. To ensure federal costs do not increase, the SMD in subsection (c) of this Section will be reduced by $4 per month for all SNAP households.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 34 Ill. Reg. ______, effective ____________ )
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

1) Heading of the Part: Fire Protection District Grant

2) Code Citation: 41 Ill. Adm. Code 295

3) Section Numbers: Proposed Action:
   295.10 New Section
   295.20 New Section
   295.30 New Section

4) Statutory Authority: Authorized by and implementing Section 1.05 of the Fire Protection Districts Act [70 ILCS 705/1.05]

5) A Complete Description of the Subjects and Issues Involved: OSFM is proposing these rules to provide grant funds up to $500 to groups of registered voters to defray the expenses of organizing a new fire protection district.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: To assist groups of registered voters with the cost of organizing a new fire protection district.

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:

   Alec Messina, Interim General Counsel
   Office of the State Fire Marshal
   1035 Stevenson Dr.
   Springfield, IL  62703-4259
13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any group of Illinois registered voters desiring to organize a new fire protection district

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 agendas because the need for the new rules was not known at the time that the agendas were published.

The full text of the Proposed Rules begins on the next page:
Office of the State Fire Marshal

Notice of Proposed Rules

Title 41: Fire Protection
Chapter I: Office of the State Fire Marshal

Part 295
Fire Protection District Grant

Section
295.10 Purpose
295.20 Grant Application Procedure and Required Supporting Documentation
295.30 Terms and Conditions of Grant

Authority: Implementing and authorized by Section 1.05 of the Fire Protection District Act [70 ILCS 705/1.05].

Source: Adopted at 34 Ill. Reg. ______, effective ____________.

Section 295.10 Purpose

The Office of the State Fire Marshal (OSFM) shall administer a program to provide grant funds to groups of registered voters to defray the expenses of organizing a new fire protection district. The grant shall not exceed $500 and that group of registered voters shall not be eligible for another such grant for 2 years.

Section 295.20 Grant Application Procedure and Required Supporting Documentation

a) Application Procedure

1) The attorney or individual of record for the group of registered voters shall submit a letter to OSFM requesting the grant.


b) Content of Letter and Supporting Documentation

Each letter shall include the following information:

1) Information identifying the proposed fire protection district (e.g., legal description of the territory, any corporate documents, etc.).
2) Contact information of an individual representing the group of registered voters.

3) The grant sum requested, not to exceed $500.

4) Copies of invoices for services associated with the formation of the new fire protection district.

5) Party to whom the check should be addressed.

Section 295.30 Terms and Conditions of Grant

a) Grants under this program will be paid to recipients when the request is approved.

b) Grant proceeds shall be used exclusively for the expenses of organizing a new fire protection district.

c) In the event that the grant is not expended in the manner approved, the recipient, upon written notification from OSFM, shall refund the full amount of the grant award. Recovery of grant funds shall be accomplished in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705].
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1) **Heading of the Part:** Illinois Elevator Safety Rules

2) **Code Citation:** 41 Ill. Adm. Code 1000

3) **Section Numbers:**

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4) **Statutory Authority:** Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35]

5) **A Complete Description of the Subjects and Issues Involved:** This proposed rulemaking amends the rules to adopt the current national standards and reflects the statutory amendment to the Elevator Safety and Regulation Act in Public Act 96-54.

6) **Published Studies or Reports, and sources of underlying data used to compose this rulemaking:** The sources of underlying data used to compose this rulemaking consist of the recommendations made during the negotiations and drafting of the statutory amendment to the Elevator Safety and Regulation Act in Public Act 96-54.

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No
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8) Does this rulemaking contain an automatic repeal date? No

9) Do these proposed amendments contain incorporations by reference? Yes

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

11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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

   John J. Fennell, Jr.
   General Counsel's Office
   Office of the State Fire Marshal
   1035 Stevenson Dr.
   Springfield, IL 62703-4259

   Facsimile: 217/558-1320

13) Initial Regulatory Flexibility Analysis:

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

      i. Any small business that installs, repairs or maintains regulated conveyances.
      ii. Municipalities that inspect regulated conveyances.
      iii. Not for profit corporations will be affected only to the extent that they have buildings with regulated conveyances that are installed, repaired or inspected.

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

      i. Individuals and companies that install, inspect, repair or maintain regulated conveyances are required to maintain records on licenses,
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applications and individual regulated conveyance inspection, repair or maintenance.

ii. Units of local government that permit and/or inspect regulated conveyances are required to maintain records on such activity.

C) Types of Professional skills necessary for compliance: Individuals prove competence to inspect, install, repair and maintain regulated conveyances by either experience, education or testing that demonstrated conformance to national standards published for the particular type of conveyance for which the individual seeks to be licensed to perform inspections, repairs, maintenance or installation.

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for the new amendment was not anticipated at the time that the agendas were published.

The full Text of the Proposed Amendments begins on the next page:
NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER II: ELEVATOR SAFETY REVIEW BOARD

PART 1000

ILLINOIS ELEVATOR SAFETY RULES

Section
1000.10 Purpose of this Part
1000.20 Applicability
1000.30 Definitions
1000.40 Local Regulation
1000.50 Elevator Safety Review Board
1000.60 Adoption of Nationally Recognized Safety Codes
1000.70 Variance and Reconsideration
1000.75 New Technology
1000.80 Licensure and Registration Requirements
1000.90 Application for License or Registration
1000.100 License and Registration Fees
1000.110 Renewal of License
1000.120 Registration of Conveyances
1000.130 Permits
1000.140 Conveyance Inspection
1000.145 Request for Investigation
1000.150 Certificate of Operation
1000.160 Administrative Hearing
1000.170 Administrative Procedures
1000.180 Implementation Schedule
1000.190 Conveyance Owner Information

AUTHORITY: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].


Section 1000.20 Applicability
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a) This Part applies to the construction, operation, inspection, testing, maintenance, alteration and repair of the following equipment, its associated parts, and its hoistways (except as exempted in subsection (c) of this Section):

1) Hoisting and lowering mechanisms equipped with a car or platform, that move between 2 or more landings, including and include, but is not limited to, elevators, platform lifts and stairway chairlifts;

2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walkways;

3) Hoisting and lowering mechanisms equipped with a car, that serve 2 or more landings and that are restricted to the carrying of material by their limited size or limited access to the car, including and include, but are not limited to, dumbwaiters, or material lifts and dumbwaiters with automatic transfer devices;

4) Automatic guided transit vehicles on guide ways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers. [225 ILCS 312/10(a) and (b)]

b) This Part does not apply to a municipality with a population over 500,000 [225 ILCS 312/10(d)].

c) This Part does not apply to the following equipment: personnel hoists and employee elevators within the scope of ANSI A10.4; material hoists within the scope of ANSI 10.5; manlifts within the scope of ASME A90.1; mobile scaffolds, towers, and platforms within the scope of ANSI A92; powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1; conveyors and related equipment within the scope of ASME B20.1; cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30; industrial trucks within the scope of ASME B56; portable equipment, except for portable escalators that are covered by ANSI 17.1; tiering or piling machines used to move materials to and from storage located and operating entirely within one story; equipment for feeding or positioning materials at machine tools, printing presses, etc.; skip or furnace hoists; wharf ramps; railroad car lifts or dumpers; line jacks, false cars, shafters, moving platforms, and similar equipment used for installing
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an elevator by a contractor licensed in this State; conveyances located in a private residence not accessible to the public. [225 ILCS 312/10(c)]

d) Further, this Act does not apply to special purpose personnel elevators within the scope of ASME A17.1 and used only by authorized personnel [225 ILCS 312/10(c)].

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1000.30 Definitions

For the purposes of this Part, the definitions of terms in Section 15 of the Act and in this Section shall apply.

"Acceptance Inspection" means an inspection performed at the completion of the initial installation or alteration of equipment in accordance with applicable standards.

"Act" means the Elevator Safety and Regulation Act [225 ILCS 312].

"Alteration" means any change to equipment, including its parts, components or subsystems, other than maintenance, repair or replacement of the equipment or its parts, components or subsystems. For the purpose of this Part and the Act, this definition will take precedence over similar definitions used in safety codes incorporated by reference in Section 1000.60.

"Board" means the Elevator Safety Review Board created by Section 25 of the Act [225 ILCS 312/15].

"Certificate of Operation" means a certificate issued by the OSFM that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid. [225 ILCS 312/15]

"Code" or "State Code" means the standards and recommendations incorporated by reference in Section 1000.60.

"Contractor License Designee" means an individual designated by a licensed elevator contractor or licensed limited elevator contractor who holds a current Illinois mechanic's license or limited mechanic's license is the holder of the
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elevator contractor license or limited elevator contractor license and has the responsibility to ensure that work performed by the contractor is done so in conformance with the Act. Such person shall have ownership interest, corporate officer status or managerial control over the licensed workforce of the contractor.

"Elevator Contractor" means any person, firm, or corporation who possesses an elevator contractor license in accordance with the provisions of Sections 40 and 55 of the Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining and is entitled to perform electrical work on elevators or related conveyances covered by the Act within any building or structure, except exempt private residences. [225 ILCS 312/15]

"Elevator Helper" means an individual registered with OSFM who works under the general direction of a licensed elevator mechanic or licensed limited elevator mechanic. Licensure is not required for an elevator helper. [225 ILCS 312/15]

"Elevator Industry Apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by OSFM and works under the general direction of a licensed elevator mechanic or licensed limited elevator mechanic. Licensure is not required for an elevator industry apprentice. [225 ILCS 312/15]

"Elevator Inspector" means any inspector, as that term is defined in ASME QEI, who possesses an elevator inspector license in accordance with the provisions of the Act. [225 ILCS 312/15]

"Elevator Mechanic" means any person who possesses an elevator mechanic license in accordance with the provisions of Section 45 of the Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]

"Emergency Elevator Mechanic License" means a license issued by OSFM, under Section 45(d) of the Act and Section 1000.80(d) of this Part and based upon the certification of a licensed elevator contractor or licensed limited elevator contractor, whenever OSFM determines that an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding mechanic licenses is insufficient to cope with the emergency. [225 ILCS 312/45(d)]
"Hearing Officer" means the presiding officer or officers at the initial hearing before the Board and each continuation of that hearing. A hearing officer must be an attorney-at-law licensed to practice in Illinois.

"Inspection Company License" means qualified as a license issued by the Elevator Safety Review Board to any company that is qualified as an ASME QEI inspection company that has proven the company's qualifications and ability and that has been authorized by the Elevator Safety Review Board to possess this type of license under the provisions of Section 1000.80(h).

"Limited Elevator Contractor License" means a license issued by OSFM, under Section 1000.80(g), that limits the licensee's business to a specific type of conveyance platform lifts and stairway chairlifts. (See definition of Elevator Contractor's License at 225 ILCS 312/15.)

"Limited Elevator Mechanic License" means a license issued by OSFM, under Section 1000.80(a), that authorizes the licensee to carry on a business of erecting, constructing, installing, altering, servicing, repairing or maintaining a specific type of conveyance platform lifts and stairway chairlifts within any building or structure. [225 ILCS 312/15]

"Local Administrator" means the municipality or county that entered into a local elevator agreement with OSFM to operate its own elevator safety program in accordance with the Act and this Part.

"Material Alteration" means any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement. For the purpose of this Part and the Act, this definition will take precedence over similar definitions used in safety codes incorporated by reference in Section 1000.60.

"OSFM" means the Office of the State Fire Marshal, which is designated by the Act to be the administrator of the Illinois Elevator Safety and Regulation Program.

"Owner" means the owner of the conveyance, which could be an individual, a group of individuals or an association, trust, partnership, corporation or person doing business under an assumed name. The owner may delegate his, her or its
authority to manage the day-to-day operations of the conveyance to another party, but may not delegate his, her or its responsibilities and duties under the Act and this Part, any person or authorized agent of that person who owns a device or equipment subject to regulation under the Act, or, in the event the device or equipment is leased, the lessee.

"Private Residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit. [225 ILCS 312/15] and "Private Residence" excludes a unit used on a time-share basis by more than one family over a period of time. [225 ILCS 312/15]

"Repair" means reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable code requirements. Repair includes only such work as is necessary to maintain present equipment in a safe and serviceable condition and to adjust or replace defective, broken, or worn parts with parts made of equivalent material, strength, and design, and where the replacing part performs the same function as the replaced part. Section 15 of the Act exempts repairs from the Act's permit requirements. For the purpose of this Part and the Act, this definition will take precedence over similar definitions used in safety codes incorporated by reference in Section 1000.60.

"Temporary Certificate of Operation" means a certificate issued by the OSFM or the Local Administrator that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed, or for construction or demolition to provide transportation for construction personnel, tools, and materials only. [225 ILCS 312/15]

"Temporary Elevator Mechanic License" means a license issued by OSFM, under Section 45(e) of the Act and Section 1000.80(c) of this Part, when OSFM determines that there are no licensed personnel available to perform elevator work, and upon the request and certification of a licensed elevator contractor or licensed limited elevator contractor, when there are no licensed personnel available to perform elevator work. [225 ILCS 312/45(e)].
"Temporary Limited Authority" means an authorization to perform work on a specific type of conveyance issued, for a period not to exceed one year, by OSFM to an individual that OSFM deems qualified to perform the work.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1000.40 Local Regulation

a) Authorization of Local Programs

Provided that the local program safety standards, codes and regulations are at least as stringent as those adopted in this Part, a municipality or county may issue permits and may enter into an agreement with the OSFM under which the municipality or county will operate a local program, provided that the local program safety standards, codes and regulations are at least as stringent as those adopted in this Part, to:

1) Under the local program the municipality or county shall:

   A) Issue construction and alteration permits and certificates of operation;

   B) Provide for inspection of elevators, including temporary operation inspections; and

   C) Grant exceptions and variances from the literal requirements of applicable State codes, standards and regulations in cases in which such variances would not jeopardize the public safety and welfare;

   D) Enforce the applicable provisions of the Act, and levy fines in accordance with the Municipal Code or Counties Code. [225 ILCS 312/140(a)]

2) The Local Administrator may assess a reasonable fee for permits, exceptions, variances, certificates of operation or inspections performed by its inspectors.

3) Each agreement shall include a provision that the Local Administrator will maintain for inspection by OSFM copies of all applications for permits.
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issued, grants and denials of exceptions or variances, copies of each inspection report issued, and proper records showing the number of certificates of operation issued.

4) Each agreement shall also include a provision that each required inspection will be conducted by a licensed elevator inspector and any other provisions deemed necessary by OSFM.

5) OSFM shall be notified immediately by mail of any exception or variance granted. OSFM may object to the exception or variance within 7 business days after receipt of the notice. Should OSFM and the Local Administrator not reach agreement on the exception or variance, the matter shall be directed to the Board to hear and decide.

b) Approval of the Local Program by the Board

1) Application
Any municipality or county that chooses to inspect, license or otherwise regulate conveyances must apply to OSFM the Board for approval of the local program. The application shall include the name of the local program administrator, the standards and regulations adopted, the number and types of conveyances covered by the program, the name and license number of inspectors, and other reasonable information OSFM the Board may request. The form shall be provided by the OSFM.

2) Approval and Program Agreement
If OSFM determines that the local program will be at least as stringent as the requirements of the Act and this Part, OSFM will so notify the local program. Each municipality or county approved by OSFM the Board to implement a local program shall enter into a written agreement with OSFM under which the local program will apply within the described territory.

3) Existing Local Programs
No municipality or county may operate a local program unless it has entered into an agreement with OSFM. Initial applications for approval of local programs existing when this Part is adopted must be submitted to the Board. Municipalities or counties having conveyance safety inspection programs existing on the effective date of this Part that are in substantial
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_conformance with this Part may continue to operate those programs pending approval by the Board. The OSFM shall be responsible for oversight and concurrent enforcement during the period between application and approval of local programs._

4) **Annual Review** by OSFM

OSFM may review and audit the program of any Local Administrator and inspect the permits issued, grants and denials of exceptions or variances, inspection reports and the records related to the conveyances under the local program. OSFM will provide the Local Administrator reasonable advance notice of the review, audit and/or inspection. Board approval of local programs is renewable annually.

c) **Local Ordinances, Resolutions and Regulations**

The municipality or county must enact enabling ordinances or resolutions creating the local program and adopt standards and regulations at least as stringent as those provided in this Part. **Variances to standards and regulations adopted by a local program shall not become final until ratified by the Board.**

d) **Local Enforcement**

Within the jurisdiction of an approved local program, except as otherwise provided in this subsection (d), the procedural requirements of the local program shall be followed, rather than the procedural requirements of this Part, including the specified fees. However, all conveyances located within the jurisdiction of a local program shall be registered with the OSFM in accordance with Section 80 of the Act and Section 1000.120 of this Part.

e) **Reporting and Recordkeeping**

1) **Annual Report**

The municipality or county shall submit an annual report to the OSFM documenting the standards and regulations enforced by the municipality or county and the number of inspections performed and permits issued.

2) **Other Reporting**

The OSFM may request certain reports and information to be provided on a periodic basis to assure that local programs are operating in conformance with the Act.
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23) Recordkeeping
A municipality or county that operates a local program shall maintain for inspection by the OSFM copies of all inspection reports, permit applications and permits issued, and shall maintain a record of the number of certificates of operation issued by that jurisdiction. These records must be maintained for at least one year. A copy of permits issued shall also be forwarded to the OSFM.

f) Discontinuance of a Local Program

1) Discontinuance by the Local Jurisdiction
Should a local program determine to discontinue inspecting, licensing, or otherwise regulating conveyances, the local program administrator shall notify the OSFM 90 days prior to termination of the program. The municipality or county shall make available to the OSFM program records and documents necessary for the OSFM to maintain regulatory continuity.

2) Discontinuance by OSFM
The OSFM shall monitor the local programs and report to the Board whenever a program is found to not meet the requirements of the Act and this Part. The Board shall review the report and notify the Local Administrator municipality or county of corrective actions needed to be taken to bring its program into compliance. OSFM may, after allowing time for corrective action and after a hearing under 41 Ill. Adm. Code 210 and Section 1000.160 of this Part, withdraw approval of a non-compliant local program.

(Source: Amended at 34 Ill. Reg. _____, effective ____________)

Section 1000.50 Elevator Safety Review Board

a) Appointment
The Elevator Safety Review Board consists of 1744 members, 1441 of whom are appointed by the Governor and 3 of whom are appointed by the State Fire Marshal under Section 25 of the Act. See Section 25 of the Act for specific representation and terms of office.

b) Quorum
Nine Board members shall constitute a quorum. A quorum is required for all
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Board decisions. A quorum shall be determined as a majority of the Board members actually appointed by the Governor or the OSFM. Unfilled positions shall not be counted when determining a quorum.

c) Powers and Duties of the Board
Section 35 of the Act authorizes the Board to adopt rules for administration and enforcement of the Act. The rules shall establish standards and criteria consistent with the Act for licensing of elevator mechanics, limited elevator mechanics, inspectors and contractors. The Board may grant variances from the applicable standards (see Section 1000.70), establish fees and recommend changes to the Act.

1) The Board shall adopt, or amend and adopt, the latest editions of the standards referenced in Section 35 of the Act within 12 months after the effective date of the standards.

2) The Board shall make determinations authorized by the Act regarding implementation and regulation of new technology. Board determinations shall have a binding precedential effect throughout the State regarding equipment, structure or the enforcement of codes unless limited by the Board to the fact-specific issues.

3) The Board shall have the authority to hear appeals of any denial by the Local Administrator or of any denial or objection by OSFM.

4) The Board shall hold hearings and decide appeals within 30 days from the date of the hearing.

5) The Board shall establish fee schedules for licenses and registrations issued by OFSM. The Board shall also establish fee schedules for permits, certificates and inspections for conveyances not under a Local Administrator. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct its duties as described in the Act. (Section 35 of the Act)

d) Contact
The Board's office is located at the Office of the Illinois State Fire Marshal, Elevator Safety Division, James R. Thompson Center, 100 West Randolph Street,
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Suite 4-600, Chicago, Illinois 60601, 4035 Stevenson Drive, Springfield, Illinois 62703-4259.

(Source: Amended at 34 Ill. Reg. _______, effective ____________)

Section 1000.60  Adoption of Nationally Recognized Safety Codes

a) All conveyances shall be designed, constructed, installed, operated, inspected, tested, maintained, altered, and repaired in accordance with the following standards and recommended practices:

1) American Society of Mechanical Engineers (ASME)
   Three Park Avenue
   New York NY 10016-5990


   B) Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-20072004);

   C) Safety Code for Existing Elevators and Escalators (ASME A17.3-2005) (upgrades required by application of the Safety Code for Existing Elevators and Escalators must be completed no later than January 1, 2013);

   D) Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-20082005);

   E) Standard for the Qualification of Elevator Inspectors (ASME QEI-1-20072004).

2) American National Standards Institute (ANSI)
   25 West 43rd Street, 4th Floor
   New York NY 10036
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Safety Requirements for Personnel Hoists and Employee Elevators (ANSI A10.4-2004).

American Society of Civil Engineers (ASCE)
1801 Alexander Bell Drive
Reston VA 20191-4400


b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.

c) The Board shall adopt, or amend and adopt, the latest editions of the standards referenced in this subsection within 126 months after the effective date of the standards. [225 ILCS 312/35(a)]

d) 2010 Update of Standards

1) Notwithstanding anything else in this Section, the following upgrade requirements of the 2007 edition of the Safety Code for Elevators and Escalators (ASME A17.1) and the 2005 edition of the Safety Code for Existing Elevators (ASME A17.3) must be completed by January 15, 2015, but OSFM or the Local Administrator may not require their completion prior to January 1, 2013:

A) Restricted opening of hoistway doors or car doors on passenger elevators in accordance with ASME A17.3-2005;

B) Car illumination in accordance with ASME A17.3-2005;

C) Emergency operation and signaling devices in accordance with ASME A17.3-2005;

D) Phase reversal and failure protection in accordance with ASME A17.3-2005;

E) Reopening device for power operated doors or gates in accordance with ASME A17.3-2005;
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F) Stop switch pits in accordance with ASME A17.3-2005; and

G) Pit ladder installation in accordance with Section 2.2.4.2 of ASME A17.1-2007.

2) In the event that a conveyance regulated by this Part is altered, the alteration shall comply with ASME A17.1. Notwithstanding anything else in this Section, the firefighter's emergency operation and the hydraulic elevator cylinder, including the associated safety devices outlined in Section 4.3.3(b) of ASME A17.3-2005, are not required to be upgraded unless:

A) There is an alteration;

B) The equipment fails; or

C) Failing to replace the equipment jeopardizes the public safety and welfare as determined by the Local Administrator or the Board.

(Source: Amended at 34 Ill. Reg. _______, effective ____________)

Section 1000.70 Variance and Appeal

a) OSFM or the Local Administrator shall have the authority to Board may grant exceptions and variances from the literal requirements of the applicable State codes, standards and regulations in cases in which variances would not jeopardize the public safety and welfare or this Part that are consistent with the intent of the Act. OSFM has the right to review and object to any exceptions or variances granted by the Local Administrator. The Board has the authority to hear appeals of any denial by the Local Administrator or of any denial or objection by OSFM. The Board will hold hearings and will decide the appeal within 30 days after the hearing.

b) In order for a variance request to be reviewed, the request shall be submitted in writing by the owner or his/her designated representative and shall include:

1) Evidence that the proposed or existing conveyance is not in compliance with the code or regulation.
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2) Evidence that strict compliance with the code or regulation would entail practical difficulty or unnecessary hardship or is otherwise found unwarranted.

3) Evidence that any requested variance would not jeopardize the safety and health of those who would use the conveyance or work on the conveyance and that the methods, means, or practices proposed provide equal protection of the public's safety and health.

4) A processing fee of $300 is to be submitted to OSFM with the variance/exception request.

5) All variances shall indicate the specific code standard from which relief is granted.

c) The Board's determination on the variance request shall be made in writing to the party making the request and shall advise the party of the reconsideration process contained in subsection (d). This determination shall be made no later than 30 days after the Board meeting at which the variance request is submitted.

d) The Board may reconsider a determination made pursuant to this Section. To request reconsideration, the owner or his/her designee shall submit a written request to the Board including:

1) Information in addition to that provided under subsection (b) that may assist the Board in its reconsideration.

2) Evidence that this Part or a code or regulation has been incorrectly interpreted, the provisions of the code or regulation do not fully apply, or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.

e) The request for reconsideration shall be submitted no later than 30 days after receiving the variance determination from OSFM or the Local Administrator. The filing of an appeal for variance or reconsideration shall not relieve a person from complying with the Act or this Part during the pending review.
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(Source: Amended at 34 Ill. Reg. _____, effective ____________)

Section 1000.75  New Technology

The manufacturer of any new technology that is issued an A17.7 certification by an organization accredited by the American National Standards Institute to issue that certification must inform the Board of that certification at least 90 days in advance of offering the elevator system, component or subsystem to the general public. The manufacturer must include in its submittal to the Board the certification, documentation including drawings and specifications, and installation, testing and operational instructions, maintenance and inspection manual, and any special equipment that is necessary to maintain and/or inspect the new technology.

(Source: Added at 34 Ill. Reg. _____, effective ____________)

Section 1000.80  Licensure and Registration Requirements

a) Qualifications for Elevator Mechanic License or Limited Elevator Mechanic License or Temporary Authorization

1) Elevator Mechanic License
Section 20(a) of the Act states that no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic license.

A) No license shall be granted to any person who has not paid the application fee required by Section 1000.100(a).

B) Grandfathering
A person applying for an elevator mechanic or limited elevator mechanic license by December 31, 2007 and submitting to the OSFM acceptable proof that he or she has worked as an elevator constructor or maintenance or repair person for equipment the licensee is authorized to install shall be issued an elevator mechanic license. Acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State.
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for a period of not less than 3 years immediately prior to April 24, 2007.

BC) No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for an elevator mechanic license must demonstrate one of the following qualifications:

i) an acceptable combination of documented experience and education credits consisting of:

• not less than 3 years work experience in the elevator industry, in construction, maintenance, or service and repair, as verified by current and previous employers licensed to do business in this State or in another state if the Board deems that out-of-state experience equivalent; and

• satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider, testing understanding of this Part and the State codes incorporated in Section 1000.60; or

ii) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent; or

iii) a certificate of completion of an elevator mechanic apprenticeship program, with standards substantially equal to those of the Act, registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor; or

iv) a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/45]

2) Qualifications for a Limited Elevator Mechanic License
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A) No license shall be granted to any person or firm that has not paid the application fee required by Section 1000.100(g).

B) Qualifications for a limited elevator mechanic license shall be the same as for an elevator mechanic license, with the exception that qualifying work experience shall consist of work performed on specific ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover the ASME A18.1 standards specific to the conveyance, the Act, and this Part.

3) Temporary Authorization by OSFM
   OSFM may issue temporary limited authority to an individual that OSFM deems qualified to perform work on a specific type of conveyance. The applicant shall furnish any proof of competency that OSFM may require and must obtain a permanent license within one year.

b) Elevator Industry Apprentice or Helper Registration

1) A person who is not licensed as an elevator mechanic or limited elevator mechanic may work as an elevator industry apprentice or helper he or she is registered as such by OSFM and works under the general supervision of a licensed elevator mechanic or licensed limited elevator mechanic.

2) No person shall be registered as an elevator industry apprentice or helper who has not paid the registration fee required by Section 1000.100(j).

3) All elevator mechanic apprentices shall be registered with an apprenticeship or training program approved by the Bureau of Apprenticeship and Training, U.S. Department of Labor.

4) Elevator industry apprentices and helpers shall register with OSFM by submitting, on a form provided by OSFM, the following information:
   A) Name, address and telephone number of the applicant.
   B) Whether the applicant is registering as an apprentice or as a helper.
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C) If an apprentice, the name and contact information for the apprenticeship or training program with which the apprentice is registered.

5) Upon determination that the applicant for registration meets all the requirements of the Act and this Part, OSFM will provide the applicant with an elevator industry apprentice or helper registration card.

c) Qualifications for a Temporary Elevator Mechanic License

1) No license shall be granted to any person who has not paid the application fee required by Section 1000.100(e).

2) A licensed elevator contractor or licensed limited elevator contractor shall notify OSFM when there are no licensed personnel available to perform elevator work and may request that the OSFM issue temporary elevator mechanic licenses to persons certified by the contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.

3) A person for whom a contractor requests a temporary elevator mechanic license shall show proof of competency by documenting 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.

4) A temporary elevator mechanic license shall recite that it is valid for a period of 30 days from the date of issuance and only while the elevator mechanic is employed by the licensed elevator contractor or licensed limited elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues. [225 ILCS 312/45(e)]

5) A temporary elevator mechanic license shall be renewable as long as the shortage of license holders continues. [225 ILCS 312/45(e)]

d) Qualifications for Emergency Elevator Mechanic License
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1) No application fee is required for an individual applying for an emergency elevator mechanic license or for the renewal of that license.

2) Whenever an emergency exists in the State due to disaster, act of God, or work stoppage and the number of persons in the State holding elevator mechanic licenses is insufficient to cope with the emergency, any person certified by a licensed elevator contractor or licensed limited elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the OSFM within 5 business days after commencing work requiring a license.

3) The applicant shall furnish proof of competency by submitting to the OSFM documentation of 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.

4) An emergency mechanic license is valid for 30 days from the date issued and for such particular elevators or geographical areas as the OSFM may designate. The emergency license entitles the licensee to the rights and privileges of an elevator mechanic license issued under subsection (a).

5) OSFM shall renew an emergency elevator mechanic license during the existence of an emergency. [225 ILCS 312/45(d)]

e) Qualifications for Elevator Inspector License

1) No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless he or she has an inspector license [225 ILCS 312/20(b)].

2) No elevator inspector license shall be granted to any person who has not paid the application fee required by Section 1000.100(b).

3) No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of the OSFM that he or she meets the current ASME QEI-I, Standards for the Qualifications of Elevator Inspectors. [225 ILCS 312/50]
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4) To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(E)). An elevator inspector shall notify the OSFM within 24 hours after suspension, termination or expiration of his/her QEI certification. No inspector shall perform any inspection covered by the Act without a current QEI certification and valid elevator inspector license.

5) All elevator inspector license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to the OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.

f) Qualifications for Elevator Contractor License
Section 40(a) of the Act requires that any person wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State must be licensed.

1) No license shall be granted to any person or firm unless the application fee required by Section 1000.100(c) is paid.

2) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must be individually licensed as an elevator mechanic under the Act, perform the work set forth in subsection (a) of Section 20 of the Act, and have proof of compliance with the insurance requirements set forth in Section 100 of the Act or, in the case of a firm, employ a person who is individually licensed as an elevator mechanic under the Act, perform the work set forth in subsection (a) of Section 20 of the Act, and have proof of compliance with the insurance requirements set forth in Section 100 of the Act. [225 ILCS 312/55]

3) All licensed elevator contractor license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice to the OSFM at least 10 days in advance of any substantial alteration or cancellation of an insurance policy required by Section 100 of the Act. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.
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4) If the State of Illinois, a unit of local government, or an institution of higher education maintains in its employ licensed or limited licensed elevator mechanics who maintain only conveyances owned or leased by that entity, the employing entity is not required to be licensed as a contractor under this Section and none of the provisions of the Act concerning licensed contractors shall apply to these entities. [225 ILCS 40(a)]

gh) Qualifications for a Limited Contractor License

1) No license shall be granted to any person or firm unless the application fee required by Section 1000.100(d) is paid.

2) Qualifications for a limited contractor license shall be the same as for an elevator contractor license with the exception that work experience shall consist of work performed on ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.

h) Qualifications for Elevator Inspection Company License

1) No company, limited liability company, corporation, not for profit corporation, partnership, limited partnership, sole proprietorship, or any other business organization authorized by law shall inspect or cause an employee to inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless the company has an inspection company license.

2) No elevator inspection company license shall be granted to any person who has not paid the application fee required by Section 1000.100(c). [225 ILCS 312/50]

3) No inspection company license shall be granted to any company unless the company proves to the satisfaction of the OSFM that one or more officers of the company meet the current ASME QEI-1, Standards for the Qualification of Elevator Inspectors. To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(E)).
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4) An elevator inspection company shall notify the OSFM within 24 hours after suspension, termination or expiration of the officer's QEI certification. No inspection company shall perform any inspection covered by the Act without at least one officer possessing a current QEI certification and an Illinois inspector license and the company possessing a valid elevator inspection company inspector license.

5) All elevator inspection company license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to the OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.

i) Miscellaneous Requirements

1) No licensee shall work on non-registered or non-permitted conveyances covered by the Act, except for those conveyances exempted from registration by the Act or Section 1000.120(e)(3) of this Part and except as stated in Section 1000.120(b).

2) All license holders are required to report violations of the Act, this Part and the standards listed in Section 1000.60 to the OSFM.

3) Each licensee shall have his/her valid license, and each elevator industry apprentice or helper shall have his/her valid registration card, in his/her possession when working on conveyances covered by the Act.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1000.90 Application for License or Registration

a) Application Forms
All applications for an elevator mechanic, limited elevator mechanic, temporary elevator mechanic, emergency elevator mechanic, elevator inspector, elevator contractor, or limited elevator contractor, or elevator inspection company license, or for registration as an elevator industry apprentice or helper, shall be submitted to the OSFM on forms provided by the OSFM and shall include a photo of the
applicant. All individual license applicants must submit a colored passport photo with their application.

b) OSFM Approval or Denial
Upon receipt, review and approval of the application, the OSFM shall issue the appropriate license or registration. If OSFM determines the applicant does not qualify for licensure or registration based on the criteria established in Section 1000.80, OSFM shall deny the application and notify the applicant of the reason for denial.

c) Application for an Elevator Contractor or Limited Elevator Contractor License

1) All applications for an elevator contractor or limited elevator contractor license shall include:

   A) if the applicant is a person, the name, residence address, and business address of the applicant;

   B) if the applicant is a partnership, the name, residence address, and business address of each partner;

   C) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;

   D) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;

   E) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;

   F) if applying for an elevator contractor or limited elevator contractor license, the approximate number of persons, if any, to be employed by the applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;
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G) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance; and

H) any criminal record of convictions. [225 ILCS 312/40]

2) Contractor License Designee
   Each applicant for an elevator contractor license or a limited elevator contractor license must designate one or more individuals as the Contractor License Designee. No work on conveyances covered by the Act may be performed by a contractor unless the Contractor License Designee has been appointed and OSFM has been notified of the appointment.

   A) Each Designee shall hold an elevator contractor license, a limited elevator contractor license, an elevator mechanic license or a limited elevator mechanic license.

   B) When an exam is required for licensure, the exam will be administered to the Designee.

   C) If the Designee separates employment or his/her designation is terminated, the contractor must notify the OSFM within 5 days. If the separating Designee was the sole Designee for the contractor, the contractor must designate a new Designee and inform the OSFM in writing within 30 days after the new designation or the contractor's license will be automatically suspended. No work on conveyances covered by the Act may be performed by a contractor unless a Contractor License Designee has been appointed and the OSFM has been notified of the appointment.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1000.100 License and Registration Fees

License fees shall be as follows:

   a) Elevator Mechanic License (initial and renewal) $250

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<tr>
<td>b) Elevator Inspector License (initial and renewal)</td>
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<td>c) Elevator Inspection Company License (initial and renewal)</td>
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<td>d) Elevator Contractor License (initial and renewal)</td>
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<td>e) Limited Elevator Contractor License (initial and renewal)</td>
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<td>f) Temporary Elevator Mechanic License (initial and renewal)</td>
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<td>g) Emergency Elevator Mechanic License (initial and renewal)</td>
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<td>h) Limited Elevator Mechanic License (initial and renewal)</td>
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<td>i) License Restoration</td>
<td>Renewal Fee+$50</td>
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<td>j) Replacement License</td>
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<tr>
<td>k) Elevator Industry Apprentice or Helper Registration</td>
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Section 1000.110 Renewal of License

a) All licenses shall be renewed every 2 years. An individual licensee may renew a license by submitting a written application for renewal and a colored passport photograph accompanied by the required fee, 4530 days prior to expiration of the license. The licensee will be invoiced for the appropriate license fee.

b) New and renewed licenses issued after January 1, 2010 will include a photo of the licensee.

cb) The individual applicant or the elevator contractor or limited elevator contractor shall provide evidence satisfactory to the OSFM of completion by the individual applicant or the Contractor License Designee of at least 8 hours of continuing education that shall include a minimum of 2 hours on code updates and that shall be attended and completed within one year immediately preceding any license renewal. Continuing education curriculum shall be approved by the Board, and designed to ensure the continued qualifications of the applicant.

1) Any training provided by an elevator manufacturer on the equipment sold by that manufacturer may be counted toward the 8 hours of continuing
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education required for licensed contractors, mechanics, limited contractors and limited mechanics.

2) Training received through a union, college, contractor or third-party program, other than manufacturer provided training, must be approved by the Board in advance of the training. The individual requesting the approval must submit to the Board information on the training that includes, but is not limited to, the course outline, course objectives, hours granted, and instructor's name and qualifications. The Board will not credit training that has not received prior approval.

d) A licensee who is unable to complete the continuing education course required by subsection (c) before the expiration of his/her license due to a temporary disability may apply for a waiver from the Board as provided for in Section 60(f) of the Act. [225 ILCS 312/60(f)]

ed) If a license is allowed to lapse, it may be restored within one year after its expiration date by meeting the requirements of subsections (b) and (c) and the payment of $50 in addition to the renewal fee. If a license is not restored within one year after its expiration date, the license holder must apply for a new license and shall follow the appropriate licensing procedure.

(Source: Amended at 34 Ill. Reg. _____, effective ____________)

Section 1000.120 Registration of Conveyances

a) Registration of Newly Installed Conveyances

Any licensed elevator contractor or limited elevator contractor installing a new conveyance shall be registered by the owner with OSFM as required by Section 95 of the Act at the time the conveyance is completed and placed in service with the OSFM as required by Section 95 of the Act and the owner shall pay a registration fee of $30.

b) Registration of Existing Conveyances

Owners must register their existing conveyances with OSFM and pay a registration fee of $30. Before July 1, 2008, owners of existing conveyances shall register the conveyance with OSFM as required by Section 80 of the Act and pay a registration fee of $30. Inspectors, contractors and mechanics are not permitted to service an unregistered existing conveyance that is required by the
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Act to be registered, one time after July 1, 2007 and provide the owner with notice that the conveyance is required to be registered. The conveyance may not be serviced thereafter until it is properly registered with the OSFM.

c) The registration shall be on a form provided by the OSFM that shall include, but is not limited to, identification of the conveyance type, rated load and speed, manufacturer, location, purpose; and date of installation, along with any other information deemed necessary.

d) The OSFM shall issue for each conveyance a registration identification plate with the registration number inscribed that shall be used to identify the conveyance thereafter. The registration plate shall be permanently affixed/attached to the elevator conveyance control panel in the elevator conveyance equipment room of the following:

1) Machine, pump unit or drive unit;

2) Car operating station.

e) Replacement registration identification plates shall require a fee of $10 for each additional plate.

f) Penalties

1) Conveyance Owners: Conveyance owners violating the registration provisions of the Act by a conveyance owner or this Part shall be subject to a fine not to exceed $1,500 per day for each violation the owner to prosecution for a Class C misdemeanor in accordance with Section 110(b) of the Act.

2) Contractors: The OSFM may assess a penalty not to exceed $500 for each day a contractor fails to register a new conveyance as required by Section 95(a) of the Act.

3) Registrations is not required for private residence conveyances. Private Residence Owners: No fee will be charged for voluntary registration of existing private residence conveyances and no penalties will be incurred by the owner of a private residence. These conveyances are not covered by the Act.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1000.130 Permits
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a) A licensed elevator contractor or limited licensed elevator contractor shall obtain a permit from the OSFM or the Local Administrator, municipality, or county that regulates such activities prior to erecting, constructing, installing, or materially altering any conveyances covered by the Act. Permits will be required under this Section only for projects that commence after the effective date of this Part.

b) All conveyance construction or alteration documents shall be submitted to OSFM or the Local Administrator for a permit. The document for a new or altered building must first have been reviewed and approved by the local governmental authority as meeting the local building and fire code. In those jurisdictions where the municipality or county has not signed a local elevator agreement with OSFM and the municipality or county does not have a means by which it approves building documents or issues building permits, the conveyance construction or alteration documents shall be submitted to OSFM along with the owner-supplied, sealed technical submissions from a licensed architect or engineer. OSFM has authority to charge a document review fee for this service.

cb) If the permit is issued by a local government, the governmental entity issuing the permit shall send a copy to the OSFM. The Local Administrator governmental entity shall be required to maintain the permit on file for a period of not less than one year from the date of issuance.

d) Each application for a permit from the OSFM shall be on a form provided by the OSFM and shall be accompanied by the permit fee established in subsection (i) and accurately scaled and fully dimensioned plans and shall show the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members thereof, including foundations. The specifications shall include all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design. The application shall specify whether the permit is for a conveyance used for mobility-impaired or non-mobility-impaired purposes. All permit applications shall be signed by the Contractor License Designee.

d) At the conclusion of the permitted activity, the licensed elevator contractor or limited elevator contractor shall arrange for a licensed elevator inspector to perform an acceptance inspection.
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fe) The licensed elevator contractor or limited elevator contractor shall notify the OSFM no less than 7 days prior to the acceptance inspection being performed.

f) The licensed elevator contractor or limited elevator contractor shall specify whether the permit is for a conveyance used for mobility-impaired or nonmobility-impaired purposes.

g) A permit to alter a conveyance may be issued to an entity exempted from licensure under subsection (a) of Section 40 of the Act. [225 ILCS 312/90(a)]

h) Revocation and Extension of Permit

1) OSFM or the Local Administrator may revoke the permit if the work authorized by a permit has not commenced within 12 months after the date of issuance (or within a shorter period of time as OSFM or the Local Administrator may specify in the permit), or the job is suspended or abandoned for a period of 180 days (or for a shorter period of time as OSFM or the Local Administrator may specify in the permit).

2) The licensed contractor may request that OSFM or the Local Administrator grant an extension of time for the permit. OSFM or the Local Administrator may grant the extension at his or her discretion.

i) OSFM permit fees shall be as follows:

1) New installation $400

2) Material alteration $200

3) Permit extension $100

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1000.140 Conveyance Inspection

a) Acceptance Inspections
All new conveyance installations shall be inspected and, based on that inspection, shall, prior to initial use, receive a Certificate of Operation from the OSFM. All new conveyance installations shall be performed by a licensed elevator contractor
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who shall, subsequent to inspection, certify compliance with the applicable Sections of the Act and this Part. [225 ILCS 312/95(a)]

b) Periodic Inspections and Tests

1) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually. [225 ILCS 312/120(a)] It shall be the responsibility of the owner to insure that the inspections and tests are performed at the prescribed intervals.

2) All inspections and tests shall be conducted in accordance with the State code listed in Section 1000.60 that applies to the conveyance being inspected.

3) At the time of Subsequent to inspection, the licensed elevator inspector must supply the property owner and the OSFM with a copy of the written inspection report describing any and all violations and keep records for review by OSFM.

4) Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting any violations. [225 ILCS 312/120(a)] Existing conveyances shall comply with the time limits provided in Section 1000.60(a)(1)(C). The licensed inspector will review the actions taken by the property owner and, if the corrections are adequate, will issue a follow-up inspection report indicating adequate remediation of the violations.

5) The OSFM may extend the compliance dates for good cause, provided that the violations are minor and pose no threat to public safety. [225 ILCS 312/120(a)]

6) All tests and inspections shall be performed by individuals licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform such work or inspections on that particular type of conveyance. [225 ILCS 312/120(c)]

c) Random Inspections by OSFM
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As authorized by Section 105(a) of the Act, the OSFM may conduct random on-site inspections and tests on existing installations using its own personnel or 3rd party licensed inspectors under contract with OSFM.

d) Conflict of Interest

1) No individual licensed as both an elevator mechanic (regular or limited) and elevator inspector may inspect his/her own work, the work of his/her company, or the work of a company affiliated with his/her company.

2) The Board may grant exceptions for governmental, academic, and other institutions that maintain their own personnel licensed as elevator inspectors and as elevator mechanics to allow those personnel to inspect conveyances owned or leased by the institutions as long as the personnel are not inspecting their own work.

3) In the event that there are insufficient independent licensed inspectors available, the Board may grant exceptions and allow Category 1 Pressure Tests (see ASME A17.1) of elevators to be witnessed by a licensed inspector employed by a licensed contractor, provided that a separate licensed mechanic performs the tests.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1000.145 Request for Investigation

a) Any person may make a request for an investigation into an alleged violation of the Act by giving notice to OSFM or the Local Administrator of the violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released or made available.

b) If the request is to the Local Administrator and the Local Administrator determines that there are reasonable grounds to believe that the violation or danger exists, the Local Administrator shall forward the request for an investigation to OSFM.
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c) OSFM, upon receipt of a notification under this Section, shall review the complaint. If OSFM determines that there are reasonable grounds to believe that the violation or danger exists, OSFM shall cause to be conducted or shall permit the Local Administrator to conduct an investigation as soon as practicable to determine if the violation or danger exists. If OSFM determines that there are no reasonable grounds to believe that a violation or danger exists, it shall notify the party in writing of that determination.

(Source: Added at 34 Ill. Reg. ______, effective ____________)

Section 1000.150 Certificate of Operation

a) An owner of a conveyance must apply annually for a Certificate of Operation. Each application for a Certificate of Operation shall be submitted by the owner of a conveyance to the OSFM and shall include the following:

1) An acceptance report or the report from the most recent annual periodic inspection from a licensed elevator inspector indicating the date of the inspection and that the conveyance has passed inspection and is safe for normal use;

2) A certification from a licensed elevator mechanic or licensed limited elevator mechanic that the conveyance was tested in accordance with the appropriate State code;

3) Any other information the OSFM may require; and

4) The fee required by subsection (b).

b) The fees for Certificate of Operation shall be as follows:

1) Initial Certificate of Operation $100

2) Annual Renewal of Certificate of Operation $75

3) Renewal of Expired Certificate of Operation $125

4) Temporary Certificate of Operation $200

5) Late Fee $50
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c) Upon receipt and review of the application and supporting documentation, the OSFM shall issue the appropriate Certificate of Operation or shall notify the applicant of the reason for the denial of the certificate.

d) The OSFM may issue a Temporary Certificate of Operation that permits the temporary use of a non-compliant conveyance by the public for up to 30 days while minor repairs are being completed if the OSFM determines that use of the conveyance pending repair will not jeopardize the safety and health of those using or working on the conveyance. The OSFM also may issue Temporary Certificates of Operation for elevators used for construction or demolition.

e) The Certificate of Operation or a copy of the certificate shall be clearly displayed on or in each conveyance, or in the machine room, for the benefit of the State code enforcement staff. [225 ILCS 312/95(c)]

f) Upon expiration of the Certificate of Operation, the OSFM may direct the building owner to suspend operation of the conveyance.

g) The OSFM may cancel the Certificate of Operation and place the conveyance out of service when any of the following conditions exist:

1) The conveyance is deemed unsafe for operation or is being operated in an unsafe manner.

2) The owner fails to pay fees or penalties.

3) The owner fails to have the conveyance inspected at required intervals.

4) The owner fails to take corrective action as directed by the OSFM.

h) When a Certificate of Operation has been suspended or cancelled or the conveyance has been placed out of service by the OSFM, no person shall operate the conveyance. To re-enable use of the conveyance, the owner of the conveyance shall remediate the cause of the suspension or cancellation; shall have the conveyance reinspected; and shall apply to have a suspended Certificate of Operation reinstated and shall have the reinstatement granted or shall apply for and receive a new Certificate of Operation to replace a cancelled certificate.
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(Source: Amended at 34 Ill. Reg. _____, effective ____________)

Section 1000.170  Administrative Procedures

| a) The OSFM may assess a penalty against any person, other than a conveyance owner, who violates the Act or this Part or any of the standards listed in Section 1000.60. |
| b) It shall be a violation of this Part for any licensed contractor, mechanic or inspector to: |
| 1) fail to conduct an inspection of any conveyance that determines the condition of all portions of the conveyance required to be inspected by the standards adopted in Section 1000.60; |
| 2) to willfully conceal a deficiency known to the mechanic or inspector; |
| 3) conduct a fraudulent, negligent or incomplete inspection of a conveyance or to allow an employee to conduct a fraudulent, negligent or incomplete inspection of a conveyance. |
| c) Issuance of Administrative Citation |
| 1) The OSFM may issue a written administrative citation. The citation shall specifically describe the nature of the violation and its location and shall include a reference to the particular Section of the Act or this Part or the specific standard alleged to have been violated. The citation shall also state the amount of the fine levied in accordance with subsection (d) and the process for appeal. |
| 2) The person alleged to have committed the violation shall have 30 days from the date of service of the notice to notify the Board in writing of any intent to appeal the citation and fine. If no notice of appeal is filed, the citation and penalty shall be deemed a final order of the OSFM. |
| 3) Administrative citations and penalties issued under this Section shall not limit the authority of the OSFM to issue orders, revoke permits, stop work on construction and/or order the electrical power to be disconnected, or take any other appropriate enforcement action. |
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d) Appeal of a Citation

1) A person who appeals a citation issued by the OSFM shall be entitled to a hearing before the Board or the Board's designee within 90 days after filing the notice of appeal. The 90 day time frame may be extended, with OSFM approval, if the appellant requests in writing additional time to prepare for the hearing.

2) The Board shall provide a hearing notice to the appellant that shall include the following information:

   A) A statement of the time, place, and nature of the hearing;

   B) A statement of the legal authority and jurisdiction under which the hearing is to be held;

   C) A reference to the Sections of the Act and this Part involved and/or the specific State code involved;

   D) A short and plain statement of the matters at issue.

3) The Board may appoint a hearing officer to hear evidence on any appeal, prepare findings, and recommend a decision.

4) The appellant may appear at the hearing with counsel, and may present evidence, and cross-examine witnesses.

5) An opportunity shall be given all parties to respond and present evidence and arguments on all issues involved.

6) At the close of the evidence, the Board shall issue a written decision with findings of fact and conclusions of law determining whether a violation has occurred and the amount of any penalty, if any, to be assessed.

7) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, consent order, or default. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section.
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e) Administrative Penalty/Fine

1) Any owner or lessee who violates any of the provisions of the Act may be subject to a fine not to exceed $1,500 per day for each violation of the Act or this Part. Violation of the Act by any licensee shall be subject to the penalties under Section 65 of the Act.

2) Licensure Violation

A) The fine shall not exceed $2,000 for each instance for any person or business that performs elevator work without being properly licensed as required by this Part.

B) The fine shall not exceed $2,000 for each instance for any contractor that allows an individual who does not possess a valid license required by this Part to perform work on a conveyance covered by the Act.

C) The OSFM may suspend or revoke any license when the licensee fails to pay assessed penalties or willfully or repeatedly violates the Act or this Part.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1000.180 Implementation Schedule

a) Effective immediately and to avoid penalty, no licensed contractor, mechanic or inspector may work on or inspect a conveyance if it is not registered or does not have a current Certificate of Operation. A 30 day extension may be obtained from OSFM so that a conveyance owner may register the conveyance. A 60 day one time extension may be obtained from OSFM so that a conveyance owner can schedule an inspection in order to obtain a Certificate of Operation. In municipalities that have a local elevator agreement with OSFM, the conveyance owner must apply to that municipality for an extension to obtain a current Certificate of Operation. Grandfathering. The OSFM may issue an elevator mechanic or limited elevator mechanic license, in accordance with Section 45(c)(2) of the Act (grandfathering), to a person applying by December 31, 2007.
b) Should a situation occur in which a licensee has been contacted to remove a trapped or injured person from a conveyance or render the conveyance out of service for reasons of safety, the licensee may perform such work, but must notify the Division of Elevator Safety within 24 hours of the action.

Implementation of Elevator Mechanic and Limited Elevator Mechanic Licenses. By July 1, 2008, any holder of a temporary elevator mechanic or temporary limited elevator mechanic license issued under Section 1000.80(c) of the emergency rules creating this Part shall acquire a permanent license under Section 1000.80(a) if he or she plans to continue to perform as an elevator mechanic or limited elevator mechanic.

c) Authority will be given to a licensed mechanic to work on a conveyance with an expired Certificate of Operation if there is a final inspection report not older than 30 days posted in the equipment room prior to the conveyance owner applying for and receiving its annual Certificate of Operation.

Initial Implementation of Elevator Inspector License. Each company that employs an elevator inspector must submit to OSFM a letter identifying the name of each inspector in its employment by July 1, 2008. Any of those identified inspectors must apply for Illinois inspector licensure by July 1, 2008 unless they have already been issued an inspector license under the Act. After July 1, 2008, any individual who has not been issued an elevator inspector license by OSFM is prohibited from inspecting conveyances in this State.

d) Initial Implementation of Conveyance Registration — Existing. All conveyances that were in operation when these proposed rules were adopted shall be registered by November 1, 2008. Inspectors, contractors and mechanics are permitted to service an unregistered existing conveyance one time after November 1, 2008 and provide the owner with notice that the conveyance is required to be registered. The conveyance may not be serviced thereafter until it is properly registered with the OSFM.

e) Initial Implementation of Conveyance Registration — New. All new conveyances shall be required to have a certificate of operation after March 1, 2008.

f) Local Programs. Municipalities and counties that intend to regulate conveyances must submit an Elevator Safety Program Agreement with the Board. This agreement includes, but is not limited to, the information required in Section 1000.40.
Section 1000.190  Conveyance Owner Information

a) The conveyance owner has the ultimate authority in entering into a contract for service/maintenance, inspections (in locations not under a local administrator) or the purchase of new equipment and should get written estimates from several companies licensed in Illinois to provide such services. The owner should ask for explanations for price variations; the length of the warranty period covering materials and workmanship, and any limitations on the warranties; if the elevator contains new technology; and don't automatically choose the lowest bidder.

b) The owner should consider employing an elevator consultant to assist with the determination and negotiations for services or equipment.

c) A list of licensed companies that provide elevator services can be found on the OSFM website [http://www.state.il.us/osfm] under the Elevator Safety link.

d) New technology is an elevator system, component, or subsystem that has not been addressed in the Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07) but meets the requirements and is certified under the Performance-Based Safety Code for Elevators and Escalators standard (ASME A17.7-2007/CSA B44.7-07) and is approved by the Board. The conveyance owner is under no obligation to accept new technology for alterations or installations and may request an elevator system, component, or subsystem meeting A17.1 standards.

(Source:  Amended at 34 Ill. Reg. ______, effective ____________ )

(Source:  Added at 34 Ill. Reg. ______, effective ____________ )
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1) **Heading of the Part**: Issuance of Licenses

2) **Code Citation**: 92 Ill. Adm. Code 1030

3) **Section Numbers**: Proposed Action:
   - 1030.1 Amendment
   - 1030.25 New
   - 1030.65 Amendment
   - 1030.115 Amendment
   - 1030.140 Amendment

4) **Statutory Authority**: 625 ILCS 5/6-103; 625 ILCS 5/1-148.2; 625 ILCS 5/2-104; 625 ILCS 5/6-109; 625 ILCS 5/6-110; 625 ILCS 5/6-110.1

5) **A Complete Description of the Subjects and Issues Involved**: This rulemaking corrects, deletes and adds several definitions, including the definition of approved driver education school (per Public Act 96-470) and motorized pedalcycle and moped (per Public Act 96-554), as well as setting forth the process for safe driver renewal, which allows eligible customers to renew their driver's licenses without visiting a Secretary of State facility. In addition, this rulemaking corrects a reference to the abolished judicial driving permit and clarifies that customers who wish to renew an instruction permit must complete vision screening and a written exam.

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

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

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

9) **Does this rulemaking contain incorporations by reference?** No

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

11) **Statement of Statewide Policy Objectives**: The rulemaking will not create or enlarge a State mandate.
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12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the Illinois Register. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

   Jennifer Egizii  
   Office of the Secretary of State  
   Driver Services Department  
   2701 South Dirksen Parkway  
   Springfield, Illinois 62723

   217/557-4462

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 2010

The full text of the Proposed Amendments begins on the next page:
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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section
1030.1 Definitions
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.13 Denial of License or Permit
1030.14 Emergency Contact Database
1030.15 Cite for Re-testing
1030.16 Physical and Mental Evaluation
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.18 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers – References (Repealed)
1030.25 Safe Driver License Renewals
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements
1030.82 Charter Bus Driver Endorsement Requirements
1030.83 Hazardous Material Endorsement
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts – Written and/or Road Tests
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
1030.91 Disabled Person Identification Card
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1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Consular Licenses (Repealed)
1030.96 Seasonal Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98 School Bus Commercial Driver's License or Instruction Permit
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents


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Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the
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minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

test(491) employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states
driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issue" – the process of printing and mailing a driver's license or identification card to an applicant from a secure central production facility.

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.
"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –
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has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or

is designed to transport 16 or more passengers, including the driver; or

is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5). [625 ILCS 5/6-500(6)]

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Conviction" – A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of
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whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.
"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1) or who have a disability so severe that it precludes the individual from obtaining an Illinois driver's license.

"Disqualification" – a disqualification means any of the following three actions:

the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;

any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);
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*a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391.* [625 ILCS 5/1-115.3]

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" – *operate or be in physical control of a motor vehicle* [625 ILCS 5/4-115.8].

"Driver" – *every person who drives or is in actual physical control of a vehicle* [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group
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sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.
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"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver
endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.
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"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

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"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment“ – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.
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"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;
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a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew,
mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motorized Pedalcycle" – a motor-driven cycle with speeds attainable in one mile of 30 mph or less, equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50cc. The power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:
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First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35º from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.
"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

- Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

- Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

- Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

- Liability insurance binder [625 ILCS 5/7-602(d)];
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Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.
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"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.
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"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" – the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Temporary Visitor's Driver's License.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:
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On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit" or "School Bus CIP" – an instruction permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific
commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.
"SSOLV" – the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70º from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.
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"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a
physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" – U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.
"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 34 Ill. Reg. _____, effective ____________)

Section 1030.25 Safe Driver License Renewals

a) The Department may centrally issue a driver's license renewal to an applicant who is not otherwise ineligible for a driver license and meets the eligibility criteria for renewal through the Safe Driver Renewal Program. Eligible applicants are sent a Safe Driver Renewal notice indicating current eligibility for the program, by mail, approximately 90 days prior to the expiration of their current driver's license.

b) Safe Driver Renewal applicants may renew their driver's license by making application by mail, Internet, or telephone. Applicants who are no longer eligible due to a change in their driving record will be denied at time of application through the Internet and telephone and shall be instructed to appear at a driver's license facility. Applicants who are no longer eligible at time of renewal who have submitted the application by mail will have their application and fee
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A driver is not eligible for Safe Driver Renewal if any of the following apply:

1) The driver is the holder of a Commercial Driver's License;
2) The driving record contains a withdrawal action;
3) The driver is under the age of 22 or greater than the age of 74;
4) The driver's license has been expired over one year;
5) The driver's last renewal was completed through the Safe Driver Renewal program;
6) The driver's license expiration is greater than one year;
7) The driver is required to submit a medical or vision specialist report;
8) The driving record contains a conviction;
9) The driver holds a school bus driver permit;
10) The driving record contains a disposition of court supervision;
11) The driving record indicates the driver has been involved in a property damage, personal injury, or fatal accident;
12) The driver holds a restricted local license;
13) The driver is less than 26 years of age and has not met his Selective Service obligation;
14) The driver holds a Temporary Visitor's Driver's license;
15) The driver's social security number has not been verified through the Social Security On-line Verification System;
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16) The driver must meet the reporting requirements of the Sex Offender Registration Act;

17) The driver's file does not contain a suitable image.

d) By submission of a Safe Driver Renewal application, the driver affirms that:

1) The driver has not been issued corrective lenses (eyeglasses/contacts) for driving since his or her last renewal.

2) The driver's license or privilege to obtain a license is not suspended, revoked, cancelled or refused in this or any other state.

3) The driver does not presently hold a valid driver's license in any other state.

4) The driver's license is not being held by a court in lieu of bail.

5) The driver does not have any condition that might cause a temporary loss of consciousness.

6) The driver has no mental or physical condition that might interfere with safe driving.

7) The driver does not use any drugs, including prescription medication, or alcohol to an extent that they impair driving ability.

8) A court has not found the driver to have a mental disability or disease or a court has not committed the driver to a mental health facility.

9) The driver's legal name or gender has not changed.

e) The fees collected for the issuance of a driver's license shall be in accordance with IVC Section 6-118 except that a processing fee will be charged by the service provider for applications received by telephone and Internet.

f) If the renewal applicant does not receive the driver's license by mail, he/she may be issued one duplicate driver's license, at no fee, provided the driver makes application for a duplicate within 90 days after the date of the renewal application.
and the driver's license was not returned to the Department as undeliverable. If a centrally issued driver's license is returned to the Department by the U.S. Post Office as undeliverable, the applicant shall be required to appear at a driver services facility with two forms of proof of residence address as outlined in Appendix B. The applicant shall be charged the fee for a corrected license as set forth in IVC Section 6-118 if a change is required upon submission of the residence address documents.

(Source: Added at 34 Ill. Reg. _____, effective ____________)

Section 1030.65 Instruction Permits

a) A person who wishes to practice driving before obtaining a driver's license shall obtain an instruction permit from a Driver Services Facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or person in loco parentis, who is 21 years of age or more and has a license classification to operate the vehicle and at least one year of driving experience, and is occupying a seat beside the driver.

b) Any foreign national wishing to practice driving before obtaining a driver's license shall obtain a temporary visitor's instruction permit, Class D, L or M only, from one of the selected Driver Services Facilities located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member, or person in loco parentis, who is 21 years of age or more, has a license classification to operate the vehicle, has at least one year of driving experience, and is occupying a seat beside the driver.

c) An instruction permit issued to any foreign national shall only be in a Class D, L or M as established in Section 1030.30.

d) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's instruction permit shall be in accordance with IVC Section 6-118(a).

e) A minor who wishes to receive an instruction permit shall be at least 15 years old
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and enrolled in a driver education course. Any minor who has been enrolled in an approved driver education program out-of-state shall provide proof of that enrollment before an Illinois instruction permit will be issued. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course prior to applying for a driver's license before the minor is 18 years of age. If the minor is 16 years of age or older and possesses a certificate of completion or the equivalent from another state's driver education program, the minor shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent of an Illinois certificate of completion from an out-of-state driver education course shall include, but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office that regulates education.

f) A minor who is at least 15 years and six months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course, provided the minor:

1) Submits written documentation, on a form prepared or approved by the Secretary of State, stating that the minor is enrolled in school; meets the educational requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and IVC Section 6-103(1) and signed by a superintendent or chief administrator that states, through no fault of the minor, the minor will be unable to be enrolled in a driver education course until after the minor's 16th birthday and the school would have no objection to the issuance of the instruction permit; and

2) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.

g) An instruction permit issued to a minor under subsection (f) may be canceled upon receipt of a report from the minor's school on the school letterhead, or other proof deemed acceptable by the Secretary of State, stating the minor has failed to enroll in a driver education course.

h) The minor who is not legally emancipated by marriage or court order shall have
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the application signed by a parent, guardian or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

i) The instruction permit shall be issued to a minor for a period of 24 months upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee established for instruction permits in IVC Section 6-118(a) must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian or person in loco parentis. The driver education instructor shall also sign the application unless the applicant presents a certificate of completion.

j) An Illinois instruction permit issued to a minor may be canceled if the student is certified as a chronic or habitual truant or has dropped out of school. The report shall be received from the Illinois State Board of Education in a form acceptable to the Secretary of State.

k) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 12 months upon successful completion of the written and vision exams.

l) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition that impairs the applicant's ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services Facility to take the written test and vision test and submit the fee required by IVC Section 6-118(a). Upon successful completion of the written and vision tests, the applicant shall be issued, if not otherwise prohibited, an instruction permit that shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall
send the applicant an authorization form instructing the applicant to appear at a Driver Services Facility to take the drive portion of the test. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

m) An applicant must be at least 16 years old to obtain a Class L instruction permit and must possess a certificate of completion at the time of application.

n) A Class M instruction permit may be issued by the Secretary of State to an applicant 18 or older for a period of 12 months. A Class M instruction permit may be issued for a period of 24 months to applicants 16 or 17 years old who have obtained a certificate of completion at the time of application and have completed a motorcycle training course approved by the Illinois Department of Transportation (see 92 Ill. Adm. Code 455). A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit will be issued.

o) An applicant who is 17 years and 3 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided the applicant has successfully completed the vision and written exams.

p) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to the classification of permit being renewed.

q) Prior to renewing a non-commercial instruction permit, an applicant is required to successfully complete vision screening and a written test.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1030.115 Change-of-Address

a) Pursuant to IVC Section 6-116, a person who changes address must inform the Secretary of State in writing within 10 days after the change. After proper notification of change of address, the address shall be changed on the driver's license file.

b) To notify the Department of an address change, an individual may go to a Driver Services Facility and the address change will be made to the driver's license file at that time. Address changes may also be completed electronically on the Secretary
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of State's official website.

c) Certain documents will be considered acceptable for notification of an address change if mailed to the Department. Correspondence from the person, the individual's attorney, or an immediate family member will be acceptable documentation. The Department shall also change the address on the driver's license file if one of the following is received: post office change-of-address card, Secretary of State change-of-address card, court documents with "new address" written on them, certificates of insurance with a different address, Illinois Environmental Protection Agency Auto Emission postcards, a monitoring device driving permit judicial driving permit order, or money orders reflecting new address.

d) Documents not acceptable as notification to the Department of an address change include the following: conviction reports; failure to appear notices; statutory summary suspension sworn reports (unless there is an out-of-state address indicated on the statutory summary suspension sworn report that corresponds with the out-of-state address reported to the Department when the driver's license was surrendered out-of-state and returned to Illinois); court transcripts (unless "new address" is written on documents); accident reports; or addresses on checks unless "new address" is specified.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 1030.140 Use of Captured Images

a) The Secretary of State shall maintain a file of all images captured in the process of issuing a driver's license or identification card.

1) No other entity shall maintain a file of all or any subset of images, or store them as part of a database or separately established collection, unless explicitly authorized by law or this Section.

2) Images may be retained in hard copy or electronic format only as part of a case record by a criminal justice agency, as required to complete an investigation, to provide evidence or other documentation for the investigation, or as required for any subsequent law enforcement action. The images must remain confidential, be available only to criminal justice
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agencies, and be disposed of in accordance with established record retention policies pertaining to criminal justice records.

3) Images retrieved for the sole purpose of secondary dissemination shall not be stored by the disseminating agency, except for the purposes of transmission.

4) Illinois State Police may store images retrieved for the purpose of verification and issuance of Firearm Owner Identification Cards and for use on their Sex Offender Registry.

5) Upon the request of the individual, the Secretary of State may maintain a captured image as part of its Lobbyist Registration database, which is available for access by the general public.

b) The images shall not be publicly displayed or accessed by or distributed to persons other than those authorized by this Section, unless otherwise explicitly allowed by law.

1) The images shall be confidential and shall not be disclosed, except to the following persons and for the following reasons:

A) The individual upon written request;

B) A family member or estate executor of a deceased individual, upon written request and submission of a copy of the death certificate or other proof of death and other information, at the discretion of the Department, including but not limited to the deceased individual's driver's license number, State issued ID number, social security number, date of birth, date of death and last address;

C) Police officers and employees of the Secretary of State who have a need to have access to the stored images to:

i) issue or control driver's licenses and identification cards;

ii) conduct an investigation into fraudulent activities;
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iii) conduct hearings regarding the cancellation, suspension or revocation of a driver's license or identification card; or

iv) register individuals under the Lobbyist Registration Act [25 ILCS 170];

D) Illinois and federal criminal justice agencies for lawful civil or criminal law enforcement investigations;

E) Criminal justice agencies from other states or jurisdictions for the purpose of lawful civil or criminal law enforcement investigations;

F) For use and display by the Illinois State Police in their Sex Offender Registry maintained by law and for display in the Secretary of State Lobbyist Registry; or

G) Other jurisdictions that issue official State driver's licenses and identification cards to ensure that an individual has a valid driver's license or identification card, is not fraudulently using identity information, is not fraudulently attempting to obtain or use a driver's license or identification card, or for similar investigations by a jurisdiction that are related to the issuance and control of driver's licenses and identification cards.

H) A Central Issuance driver's license/identification card vendor contracted by the Department solely for the purpose of producing a driver's license/identification card.

2) Broad secondary dissemination to the public or to persons other than those authorized by this Section can occur if the law enforcement entity responsible for the investigation for which the image was requested deems further dissemination of the image to be necessary for locating a suspect or crime victim or for protecting public or officer safety in the course of a criminal investigation, and if:

A) No other suitable image is available;
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B) Additional methods of verification of the person's identity and image have been completed;

C) The following disclaimer language is included:
"Only for use as authorized by 625 ILCS 5/6-110.1 and 92 Ill. Adm. Code 1030.140. This information and image cannot be certified to be anything other than the information and image of the individual who presented himself or herself to the Secretary of State's Office with the required forms of identification."; and

D) It is approved in advance in writing by the Secretary of State Department of Police.

3) Only images of a suspect in the investigation for which the image was requested shall be used in any line-up or photo array.

c) Recipients of images from the Secretary of State may not disseminate images further, except criminal justice agencies may disseminate images to other eligible criminal justice agencies for the purposes of the investigation for which the image was originally requested.

1) The Secretary of State shall establish procedures for electronic and hard copy dissemination of images that ensure secure transmission and adherence with all established law and rules regarding images.

2) Any agency that secondarily disseminates an image must have the ability to identify other eligible entities and provide records of dissemination, and must have the ability to ensure that the secondary recipient/requestor meets the definition of criminal justice agency. Secondary dissemination will require verification of the recipient's LEADS certification or similar level of verification if LEADS certification is not applicable, and may require other levels of verification defined by the Secretary of State that are necessary to ensure secure and legal distribution and use of images.

3) Methods of requesting and disseminating the images must include a provision that the request for and subsequent receipt of the images serves as an agreement to keep the images confidential and to adhere to all established law and rule regarding the images, and must include any disclaimers required by the Secretary of State.
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(Source: Amended at 34 Ill. Reg. _____, effective _____________)

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NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3) Section Number: Proposed Action:
   1.APPENDIX D   Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) A Complete Description of the Subjects and Issues Involved: The State Board of Education adopted the Illinois Learning Standards (ILS) in 1997. In the last several years, the agency and others recognized that the ILS no longer adequately addressed the knowledge and skills that students must have in order to be successful in college and their careers. In response, the agency in October 2008, through the American Diploma Project (ADP), began an external and internal review of the ILS for English Language Arts and Mathematics. As this work was under way, Illinois joined the Common Core State Standards Initiative, a project led by the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO) in partnership with Achieve, ACT, and the College Board. The initiative’s charge was the development of internationally benchmarked standards in English language arts and mathematics.

The common core initiative involves 48 states, two territories, and the District of Columbia. Representatives from participating states, a wide range of educators, content experts, researchers, national organizations, and community groups worked with CCSSO and the NGA Center to develop the standards. In Illinois, the core content teams initially formed to examine the ILS worked with representatives of institutions of higher education to review and revise the draft of the common core standards and discuss their relevance to college and career readiness. Through this work, Illinois educators have had the opportunity to offer input into the draft standards and gain a better understanding of the knowledge and skills necessary for students to be “college and career ready”.

With its participation in the Common Core State Standards Initiative, Illinois made a commitment to adopt the common core standards to serve as at least 85 percent of the State's standards for English language arts and mathematics. To fulfill this commitment, staff propose that the current State goals and standards for these learning areas, as set forth in Appendix D to Part 1, be replaced with the common core standards by incorporating them by reference into the rules.

The common core will provide standards in kindergarten through grade 12 that are:
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Fewer, clearer and higher, to best drive executive policy and practice;
Aligned with college and work expectations so that all students are prepared for success
upon graduating from high school;
Inclusive of rigorous content and application of knowledge through higher-order skills, so
that all students are prepared for the 21st century;
Benchmarked to international standards so that all students are prepared for succeeding in
a global economy and society; and
Research- and evidenced-based.

The participants in the common core initiative developed the standards using the
following criteria:
Alignment with expectations for college and career success;
Clear so that educators and parents know what they need to do to help students learn;
Consistent across all states so that students are not taught to a lower standard due to
where they live;
Inclusive of both content and the application of knowledge through higher-order skills;
Built upon strengths and lessons of current state standards and standards of top-
performing nations;
Realistic for effective use in the classroom;
Informed by other top-performing countries so that all students are prepared to succeed in
a global economy and society;
Evidence- and research–based.

The common core standards for English language arts and math also include information
on their application for English language learners and students with disabilities.
Additionally, it is anticipated that these standards will provide opportunities for State
Board staff to share experiences and best practices within Illinois and across other
participating states that can lead to an improved ability for them to best serve these
populations of students.

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

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

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

9) Does this rulemaking contain incorporations by reference? Yes, the rulemaking
incorporates the common core standards and provides a link to where the materials can be
found on the Internet.
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10) Are there any other proposed rulemakings pending on this Part? Yes

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<th>Section Numbers</th>
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<td>1.782</td>
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11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

   Shelley Helton  
   Agency Rules Coordinator  
   Illinois State Board of Education  
   100 North First Street, S-493  
   Springfield, Illinois 62777-0001  
   217/782-5270

   Comments may also be submitted electronically, addressed to:
   rules@isbe.net

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 2010

The full text of the Proposed Amendment is identical to that of the Emergency Amendment, and can be found in this issue of the Illinois Register on page 9533:
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NOTICE OF PROPOSED RULES

1) **Heading of the Part:** Code of Ethics for Illinois Educators

2) **Code Citation:** 23 Ill. Adm. Code 22

3) **Section Numbers:**
   - 22.10 New Section
   - 22.20 New Section

4) **Statutory Authority:** 105 ILCS 5/2-3.6

5) **A Complete Description of the Subjects and Issues Involved:** Part 22, Code of Ethics for Illinois Educators, was written in response to a need identified in the process of developing the Illinois Professional Teaching Standards, which are contained in Part 24 of agency rules. After researching and evaluating the content, format, and frameworks from codes of ethics for educators in numerous states, education agencies, and associations, the Illinois Educator Code of Ethics Advisory Group chose the Rhode Island Educator Code of Professional Responsibility as a model for developing the Code of Ethics for Illinois Educators. This code, which is founded on the premise that Illinois educators must meet the educational needs of each student, defines five core principles:
   
   - Responsibility to students;
   - Responsibility to self;
   - Responsibility to colleagues and the profession;
   - Responsibility to parents, families, and communities; and
   - Responsibility to the Illinois State Board of Education.

   The principles set expectations for guiding practice and inspiring professional excellence in relation to federal, State and local policies and rules, and in establishing and implementing locally established collective bargaining agreements. They are designed to serve as a vital tool in the preparation of highly qualified and effective teachers and will be equally applicable to administrators, school service personnel, other academic support personnel, and candidates in educator preparation programs.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** Rhode Island Educator Code of Professional Responsibility (http://www.ride.ri.gov/regents/Docs/RegentsRegulations/RI%20Code%20of%20Professional%20Responsibility%208-06-09%20Public%20Comment%20Version.pdf).

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 will not create or enlarge a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

   Shelley Helton
   Agency Rules Coordinator
   Illinois State Board of Education
   100 North First Street (S-493)
   Springfield, Illinois 62777

   217/782-5270

   Comments may also be submitted via e-mail, addressed to:

   rules@isbe.net

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 2010

The full text of the Proposed Rules begins on the next page:
Section 22.10  Purpose and Applicability

The purpose of this Part is to set expectations for educators; guide educational practice; and inspire professional excellence in relation to federal, State, and local policies and rules, and locally established collective bargaining agreements.

b) For the purpose of this Part, "educator" refers to individuals who:

1) hold or are applying for a valid Illinois teaching or administrative certificate issued pursuant to Article 21 [105 ILCS 5/Art. 21];

2) are not required to hold a certificate but who hold or are applying for approval (e.g., paraprofessionals, teacher aides, educational interpreters) for their positions issued pursuant to requirements set forth in 23 Ill. Adm. Code 25; and

3) are enrolled in an Illinois preservice education preparation program.
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c) Neither this Part nor any provisions within this Part shall be construed to in any way affect the State Superintendent of Education's authority to initiate an action under Article 21 of the School Code to suspend or revoke an educator's certificate.

Section 22.20 Code of Ethics

a) Responsibility to Students
The Illinois educator is committed to creating, promoting, and implementing a learning environment that is accessible to each student, enables students to achieve the highest academic potential, and maximizes their ability to succeed in academic and employment settings as a responsible member of society. Illinois educators:

1) Embody the Standards for the School Service Personnel Certificate (23 Ill. Adm. Code 23), the Illinois Professional Teaching Standards (23 Ill. Adm. Code 24), and Standards for Administrative Certification (23 Ill. Adm. Code 29), as applicable to the educator, in the learning environment;

2) Respect the inherent dignity and worth of each student by assuring that the learning environment is characterized by respect and equal opportunity for each student, regardless of race, color, national origin, sex, sexual orientation, disability, religion, language or socio-economic status;

3) Maintain a professional relationship with students at all times;

4) Provide a curriculum based on high expectations for each student that addresses individual differences through the design, implementation, and adaptation of effective instruction; and

5) Foster in each student the development of attributes that will enhance skills and knowledge necessary to be a contributing member of society.

b) Responsibility to Self
Illinois educators are committed to establishing high professional standards for their practice and striving to meet these standards through their performance. Illinois educators:
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1) Assume responsibility and accountability for their performance and continually strive to demonstrate proficiency and understanding of current trends in both content knowledge and professional practice;

2) Develop and implement personal and professional goals with attention to professional standards through a process of self-assessment and professional development;

3) Represent their professional credentials and qualifications accurately; and

4) Demonstrate a high level of professional judgment.

c) Responsibility to Colleagues and the Profession

The Illinois educator is committed to collaborating with school and district colleagues and other professionals in the interest of student learning. Illinois educators:

1) Collaborate with colleagues in their respective schools and districts to meet local and State educational standards;

2) Work together to create a respectful, professional, and supportive school climate that allows all educators to maintain their individual professional integrity;

3) Seek out and engage in activities that contribute to the ongoing development of the profession;

4) Promote participation in educational decision-making processes;

5) Encourage promising candidates to enter the education profession; and

6) Support the preparation, induction, mentoring, and professional development of educators.

d) Responsibility to Parents, Families and Communities

The Illinois educator will collaborate, build trust, and respect confidentiality with parents, families, and communities to create effective instruction and learning environments for each student. Illinois educators:
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1) Aspire to understand and respect the values and traditions of the diversity represented in the community and in their learning environments;

2) Encourage and advocate for fair and equal educational opportunities for each student;

3) Develop and maintain professional relationships with parents, families, and communities;

4) Promote collaboration and support student learning through regular and meaningful communication with parents, families, and communities; and

5) Cooperate with community agencies that provide resources and services to enhance the learning environment.

e) Responsibility to the Illinois State Board of Education

Illinois educators are committed to compliance with the School Code and its implementing regulations, and to State and federal laws and regulations relevant to their profession. Illinois educators:

1) Provide accurate communication to the Illinois State Board of Education concerning all certification matters;

2) Maintain appropriate certification for employment; and

3) Comply with State and federal laws and regulations.
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1) **Heading of the Part:** Special Education

2) **Code Citation:** 23 Ill. Adm. Code 226

3) **Section Numbers:**

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4) **Statutory Authority:** 105 ILCS 5/Art. 14 and 2-3.6

5) **A Complete Description of the Subjects and Issues Involved:** The proposed amendments address several different subject areas, each of which is discussed separately below. Additionally, nonsubstantive technical changes also are proposed throughout the sections being amended.

**Home/Hospital Instruction.** Public Act 96-257, effective August 11, 2009, sets forth the criteria for a student's receipt of instruction either at home or in the hospital and requires that the agency establish by rule the qualifications of staff providing this instruction. Current rules at Section 226.300 mirror the criteria in the law for the provision of home or hospital instruction, but do not address the qualifications of staff who will provide the instruction. New subsection (h) will be added to address staff qualifications by cross-referencing the rules where general requirements for qualification can be found (Section 1.610 of rules governing Public Schools Evaluation, Recognition and Supervision).

**Remote Educational Programs.** Public Act 96-684, effective August 25, 2009, authorizes school districts to establish remote educational programs (i.e., instruction delivered to students at home or a location other than the school building). New Section 226.360 is being proposed to remind school districts that place students with disabilities
Consent. Section 226.540 sets forth the conditions under which a parent may revoke consent for any action by the district or cooperative entity serving his or her child. The changes being proposed are to ensure that the agency's rules align with changes that were made to federal regulations at 34 CFR 300.9 and 300.300 in December 2008. These regulations make explicit that if a parent opts to revoke consent for an existing special education placement, the school district must now honor the revocation and return the child to general education. The revocation may not be challenged through due process.

Special Education Cooperatives. Public Act 96-769, effective August 28, 2009, directs the agency to establish procedures for regional boards of school trustees' consideration of petitions for the withdrawal of one or more school districts from a special education joint agreement. New Section 226.780 addresses three scenarios under which these petitions are considered:

• Only one regional board of school trustees has oversight or governance over the districts subject to the joint agreement; or
• One or more regional boards of school trustees have oversight or governance over the districts subject to the joint agreement; or
• One or more regional boards of school trustees with oversight or governance over the districts subject to the joint agreement have been dissolved.

The proposed rules set forth notice requirements and the factors (i.e., special education needs and conditions of the petitioning district) that boards must consider in determining whether the withdrawal is in the best interest of the petitioning district and those districts subject to the joint agreement.

Miscellaneous. Other changes being proposed include:

• specifying that notices regarding IEPs be provided in writing, as well as those for parental participation in other meetings with the school district;
• requiring that interpreters provided for parents who are deaf or hard of hearing be individuals licensed under the Interpreter for the Deaf Licensure Act of 2007;
• clarifying that requirements for facilities pertain only to facilities of school districts, cooperatives and joint agreements rather than for facilities of organizations that provide special education and/or residential services to students with disabilities under contract to one or more Illinois school districts pursuant to Section 14-7.02 of the School Code; and
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- removing two references to Section 25.40 of rules governing Certification since that section of the rules has been repealed.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

   Shelley Helton
   Agency Rules Coordinator
   Illinois State Board of Education
   100 North First Street, S-493
   Springfield, Illinois 62777-0001
   217/782-5270

   Comments may also be submitted electronically, addressed to:

   rules@isbe.net

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 2009 and January 2010

The full text of the Proposed Amendments begins on the next page:
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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226
SPECIAL EDUCATION

SUBPART A: GENERAL

Section
226.10 Purpose
226.50 Requirements for a Free Appropriate Public Education (FAPE)
226.60 Charter Schools
226.75 Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section
226.100 Child Find Responsibility
226.110 Evaluation Procedures
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AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].


SUBPART A: GENERAL

Section 226.50 Requirements for a Free Appropriate Public Education (FAPE)
A "free appropriate public education ("FAPE")" as defined at 34 CFR 300.17, must be made available by school districts to children with disabilities in accordance with 34 CFR 300.101 through 300.103, unless otherwise specified in this Section.

a) Transfer Students
Provision of FAPE to students who transfer into a local school district shall be made in accordance with the requirements of 20 USC 1414(d)(2)(C). The additional requirements of this subsection (a) shall also apply.

1) In the case of an eligible student transferring into a district from another district within Illinois, when the new district obtains a copy of the student's IEP before or at the time the child is presented for enrollment:

A) The district may adopt the IEP of the former local school district without an IEP meeting if:

i) the parents indicate, either orally or in writing, satisfaction with the current IEP; and

ii) the new district determines that the current IEP is appropriate and can be implemented as written.

B) If the district does not adopt the former IEP and seeks to develop a new IEP for the child, within ten days after the date of the child's enrollment the district must provide written notice to the parent, including the proposed date of the IEP meeting, in conformance with Section 226.530 of this Part. While the new IEP is under development, the district shall implement services comparable to those described in the IEP from the former district.

2) If the new school district does not receive a copy of the child's current IEP or a verbal or written confirmation of the requirements of that IEP from the previous school district when the child is presented for enrollment, the child shall be enrolled and served in the setting that the receiving district believes will meet the child's needs until a copy of the current IEP is obtained or a new IEP is developed by the school district.

A) In no case shall a child be allowed to remain without services
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during this interim.

B) The new district shall request the student's records from the sending district or school by the end of the next business day after the date of enrollment.

C) No later than ten days after expiration of the time allotted under Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] for the sending district or school to forward the child's records, the new district shall initiate an IEP meeting for the purpose of developing a new IEP, unless the sending district's or school's IEP arrives before this time elapses, the student has transferred from a district within Illinois, and the new district adopts the previously held IEP.

b) Jurisdictional Disputes
Each school district is responsible for ensuring that no eligible child for whom services are sought is denied FAPE due to jurisdictional disputes among Illinois agencies. Provision of FAPE to such a student shall not preclude a district from seeking repayment for costs incurred from any other school district or entity that is determined responsible for such costs.

c) Eligibility; Graduation or Completion of Program

1) An eligible student who requires continued public school educational experience to facilitate his or her integration into society shall be eligible for such services through age 21, inclusive (i.e., through the day before the student's 22nd birthday) (see 34 CFR 300.101(a)).

2) The provision of FAPE is not required with respect to a student with a disability who has graduated with a regular high school diploma.

3) A student with a disability who has fulfilled the minimum State graduation requirements set forth in Section 27-22 of the School Code [105 ILCS 5/27-22] shall be eligible for a regular high school diploma.

A) If the student's individualized education program prescribes special education, transition planning, transition services, or related services beyond that point, issuance of that diploma shall be
deferred so that the student will continue to be eligible for those services.

B) If the student is to receive a regular high school diploma, at least one year prior to the anticipated date of its issuance, both the parent and the student shall receive written notification in conformance with the requirements of 34 CFR 300.503 that eligibility for public school special education services ends following the granting of a diploma and that the parent (or the student, if Section 226.690 of this Part applies) may request an IEP meeting to review the recommendation that the student receive a regular diploma.

4) Students who have participated in a graduation ceremony but have not been awarded regular high school diplomas continue to be eligible to receive FAPE through age 21, inclusive.

d) Exception for Certain Students Incarcerated as Adults
Pursuant to 34 CFR 300.102(a)(2), the right to receive FAPE does not extend to students from 18 through 21 years of age who are incarcerated and who were not identified as eligible and did not have IEPs in their educational placements immediately prior to incarceration.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section 226.180 Independent Educational Evaluation

Parents have the right to obtain an independent educational evaluation of their child at public expense in accordance with 34 CFR 300.502 and Section 14-8.02(b) of the School Code. The following rights and requirements shall also apply.

a) If the parents disagree with the district's evaluation and wish to obtain an independent educational evaluation at public expense, their request to that effect shall be submitted in writing to the local school district superintendent.

b) When an independent evaluation is obtained at public expense, the party chosen to perform the evaluation shall be either:
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1) an individual whose name is included on the list of independent educational evaluators developed by the State Board of Education pursuant to Section 226.830 of this Part with regard to the relevant types of evaluation; or

2) another individual possessing the credentials required by Section 226.840 of this Part.

c) If the parent wishes an evaluator to have specific credentials in addition to those required by Section 226.840 of this Part, the parent and the school district shall agree on the qualifications of the examiner and the specific evaluations to be completed prior to the initiation of an independent educational evaluation at public expense. If agreement cannot be reached, the school district shall initiate a due process hearing subject to the time constraints set forth in this Section, as applicable.

d) The district shall provide written notice convening the IEP Team's meeting within ten days after receiving the report of an evaluation conducted at public expense. In the case of an evaluation conducted at private expense, the district shall send the notice within ten days after the parent requests a meeting to consider the results.

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.220 Development, Review, and Revision of the IEP

The development, review, and revision of each child's IEP shall conform to the requirements of 34 CFR 300.324 and 300.328. The additional requirements of this Section shall also apply.

a) When an IEP has been developed or revised, the district shall provide notice in accordance with 34 CFR 300.503(b) and (c) shall be provided immediately to the parents, and implementation of the IEP shall occur no later than ten days after the provision of this notice.

b) Either a child's educational provider or a child's parent may request an IEP meeting at any time. Within ten days after receipt of such a request, the district
shall either agree and notify the parent in accordance with 34 CFR 300.503 or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child.

c) The development of an IEP for a child who has a disability on the autism spectrum shall include consideration of the factors specified in Section 14-8.02(b)(1) through (7) of the School Code.

(Source: Amended at 34 Ill. Reg. _____, effective ____________)

SUBPART D: PLACEMENT

Section 226.300 Continuum of Placement Options

Each local school district shall, in conformance with the requirements of 34 CFR 300.39 and 300.115, ensure that a continuum of placements is available to meet the needs of children with disabilities for special education and related services. With respect to the home instruction and instruction in hospitals and institutions referenced in 34 CFR 300.39 and 300.115:

a) The child receives services at home or in a hospital or other setting because he or she is unable to attend school elsewhere due to a medical condition.

b) When an eligible student has a medical condition that will cause an absence for two or more consecutive weeks of school or ongoing intermittent absences, the IEP Team for that child shall consider the need for home or hospital services. Such consideration shall be based upon a written statement from a physician licensed to practice medicine in all its branches which specifies:

1) the child's medical condition;

2) the impact on the child's ability to participate in education (the child's physical and mental level of tolerance for receiving educational services); and

3) the anticipated duration or nature of the child's absence from school.

c) If an IEP Team determines that home or hospital services are medically necessary, the team shall develop or revise the child's IEP accordingly.
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d) The amount of instructional or related service time provided through the home or hospital program shall be determined in relation to the child's educational needs and physical and mental health needs. The amount of instructional time shall not be less than five hours per week unless the physician has certified in writing that the child should not receive as many as five hours of instruction in a school week.

e) A child whose home or hospital instruction is being provided via telephone or other technological device shall receive not less than two hours per week of direct instructional services.

f) Instructional time shall be scheduled only on days when school is regularly in session, unless otherwise agreed to by all parties.

g) Home or hospital instructors shall meet the requirements of 23 Ill. Adm. Code 1.610 (Public Schools Evaluation, Recognition and Supervision).

h) Services required by the IEP shall be implemented as soon as possible after the district receives the physician's statement.

(Source: Amended at 34 Ill. Reg. ______, effective __________)

Section 226.360 Placement by School Districts in Remote Educational Programs

A school district that places a student into a remote educational program authorized under Section 10-29 of the School Code [105 ILCS 5/10-29] shall ensure that the educational programming and related services as specified in the child's IEP are provided to the student. The placement of the student in a remote educational program does not relieve the school district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources. Each local school district shall be responsible for monitoring the performance of the remote educational program to ensure that the implementation of each IEP conforms to the applicable requirements of this Part.

(Source: Added at 34 Ill. Reg. ______, effective __________)

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.530 Parents' Participation
With respect to parents' participation in meetings, school districts shall conform to the requirements of 34 CFR 300.322 and 300.501. For purposes of 34 CFR 300.322(a)(1), "notifying parents of the meeting early enough to ensure that they will have an opportunity to attend" means the district shall provide written notification no later than ten days prior to the proposed date of the meeting. In addition, the district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of an interpreter for parents who are deaf or whose native language is other than English or for an interpreter licensed pursuant to the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443] for parents who are deaf. 

(Source: Amended at 34 Ill. Reg. ______, effective ____________)

Section 226.540 Consent

Consent, as defined in 34 CFR 300.9, shall be obtained and may be revoked in accordance with the requirements of 34 CFR 300.154(e), 300.300, 300.323, and 300.622. In addition, the following requirements shall apply:

a) A parent may revoke consent for any action by the district or cooperative entity serving his or her child that requires parental consent. If a parent desires to revoke consent, he or she may do so either in writing or orally. If the revocation of consent is communicated orally, the district or cooperative entity shall commit the parent's request to writing and provide a copy of this written summary to the parent within five days.

b) Any revocation of consent is effective immediately, subject to the provisions of subsection (e) of this Section, but is not retroactive, i.e., it does not negate an action that occurred after the consent was given and before it was revoked. For purposes of this subsection (b), a district shall be considered to have given immediate effect to a parent's revocation of consent when it either discontinues the action that is the subject of the revocation prior to its next scheduled occurrence or provides to the parent a written explanation of the timeline for the district's action and the reasons for that timeline. The district or cooperative entity shall ensure that each staff member whose activities are affected by the revocation of consent is promptly informed of the revocation.

c) If a district disagrees with a parent's revocation of consent, the district may request a due process hearing pursuant to Subpart G of this Part.
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1) If the parent's revocation of consent pertains to an evaluation or re-evaluation of the student, the district shall not proceed with the evaluation or re-evaluation during the pendency of due process.

2) If the parent's revocation of consent pertains to a special education placement for the student that is already in effect, the district's request for a due process hearing shall have the effect of staying that placement, provided that the district submits the request in writing to the State Board of Education in keeping with the provisions of Section 226.615 of this Part and within five business days after the parent's revocation occurred.

(Source: Amended at 34 Ill. Reg. ______, effective __________)

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.720 Facilities and Classes

a) Facilities of school districts, special education cooperatives, or joint agreements used for special education services shall be appropriate to, and adequate for, the specific programs or services for which they are used and, pursuant to Section 14-8.01 of the School Code, shall be subject to the applicable provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools). The facilities shall be comparable to those provided to the students in the general education environment. The facilities of special education providers under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] are governed by 23 Ill. Adm. Code 401.

b) The age range of students within a special education grouping shall not exceed four years at the elementary level and six years at the secondary level. Early childhood classes and services shall serve only children from three through five years of age, except that a district shall not be prohibited from permitting a child who reaches his or her sixth birthday during a year to complete that year.

c) Special education classes and services shall be delivered in age-appropriate settings.

(Source: Amended at 34 Ill. Reg. ______, effective __________)

Section 226.780 Procedures for Withdrawal Hearings before the Regional Board of School Trustees
This Section sets forth the procedures for a hearing by one or more regional boards of school trustees to consider a school district's petition to withdraw from a special education joint agreement pursuant to Section 10-22.31 of the School Code [105 ILCS 5/10-22.31]. The procedures set forth in this Section shall not apply to school district withdrawals from a special education joint agreement agreed upon by all remaining member districts.

a) Upon receipt of the petition for withdrawal, a regional board of school trustees that exercises oversight or governance over all member school districts of the joint agreement shall conduct the hearing.

1) The Regional Superintendent of Schools, acting in her or his role as ex officio secretary of the regional board of school trustees, shall cause a copy of the petition to be delivered to the board of each member district and shall cause notice of the petition to be published once in a newspaper having general circulation in the educational services region. The notice shall include the following:

A) The date the petition was filed;

B) The name of each school district that is a member of the joint agreement;

C) The effective date on which the petitioning district would be withdrawn from the joint agreement if the petition is granted; and

D) The return date on which the hearing upon the petition will be held, which shall be no less than 10 and no more than 15 days after the publication of the notice.

2) Prior to the hearing on the petition for withdrawal, the ex officio secretary of the regional board of school trustees shall submit to the regional board of school trustees a written report of the educational and administrative conditions of the districts involved relative to the provision of special education services.

3) The regional board of school trustees shall hear evidence as to the special education needs and conditions of the petitioning school district and of the special education cooperative from which it wishes to withdraw and shall
determine whether it is in the best interest of the students with disabilities in the petitioning district that the petition for withdrawal from the joint agreement be granted.

4) The regional board of school trustees shall enter an order granting or denying the petition within 30 days after the hearing. Approval of the petition shall be by a two-thirds majority of the school trustees (Section 10-22.31 of the School Code). A certified copy of such an order shall be sent to the petitioning district, the special education cooperative, the regional superintendent of education in whose region the cooperative is located, and the State Board of Education's Division of Special Education Services at 100 North First Street, Springfield, Illinois 62777.

b) Upon receipt of the petition for withdrawal from a special education joint agreement in which more than one regional board of school trustees exercises oversight or governance over any of the school districts participating in the agreement, a joint hearing will be held on the petition.

1) The petition for withdrawal shall be filed concurrently with each regional board of school trustees exercising oversight or governance over any of the member districts.

2) The regional board of school trustees for the region where the administrative office of the special education cooperative is located shall be responsible for the coordination of all activities related to the joint hearing.

A) The coordinating regional board of school trustees shall comply with all provisions of subsection (a) of this Section, and shall provide copies of all notices and reports required under subsection (a) of this Section to the ex officio secretaries of each of the regional boards of school trustees whose school districts are parties to the special education joint agreement.

B) The joint hearing shall be held in the region of the coordinating regional board of school trustees.
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3) Approval of the petition shall be by a two-thirds majority of all those school trustees present and voting at the joint hearing (Section 10-22.31 of the School Code).

c) In instances in which one or more of the competent regional boards of school trustees have been abolished, petitions for withdrawal shall be made to any existing competent regional board of school trustees as well as to the successors to the abolished regional board of school trustees as determined under Section 6-2 of the School Code [105 ILCS 5/6-2]. In such instances, the procedures established in subsection (b) of this Section shall apply to the regional boards of school trustees and successors to the any regional boards of school trustees that have been abolished.

(Source: Added at 34 Ill. Reg. _____, effective ____________)

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

a) General

1) Each school district, or the cooperative entity of which it is a member, shall employ sufficient professional and noncertified personnel to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district. The number and types of personnel employed shall be based on students' need rather than administrative convenience.

2) Each district or cooperative entity shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each individual holds the qualifications that are required for his or her assignments.

3) Reimbursement for personnel expenditures shall be made by the State Board only with respect to individuals who are qualified pursuant to this Section or pursuant to Section 226.810 or 226.820 of this Part.
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4) Each district or cooperative entity shall develop and implement a comprehensive personnel development program for all personnel involved with the education of children with disabilities.

b) Professional Instructional Personnel
Each individual employed in a professional instructional capacity shall hold either:

1) a valid special certificate and the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.40 and 25.43; or

2) another valid teaching certificate and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810 of this Part).

c) An individual assigned as a vocational coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:

1) has two years' teaching experience;

2) holds either a special preschool-age 21 certificate or a high school certificate; and

3) has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (I) of this Section:

A) Survey of the exceptional child;
B) Characteristics of the mentally retarded student;
C) Characteristics of the socially and/or emotionally maladjusted student;
D) Vocational programming for students with disabilities;
E) Characteristics of other exceptionalities;
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F) Methods course in special education;

G) Guidance and counseling;

H) Educational and psychological diagnosis;

I) Vocational and technical education.

d) An individual assigned as a teacher coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:

1) holds either a special preschool-age 21 certificate endorsed for the disability area of assignment or a high school certificate with special education approval in the applicable disability area issued pursuant to Section 226.810 of this Part;

2) has completed a course in vocational programming for students with disabilities; and

3) has at least one year's work experience outside the field of education or has completed at least one course in either guidance and counseling or vocational and technical education.

e) An individual assigned as a business manager's assistant shall hold an administrative certificate endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.345.

f) Qualified Bilingual Specialists
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they meet the applicable requirements set forth in this subsection (f).

1) A holder of a special certificate endorsed in the area of responsibility pursuant to 23 Ill. Adm. Code 25.40 or 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:
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A) Psychological/educational assessment of students with disabilities who have limited English proficiency;

B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and

C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.

2) A holder of an early childhood, elementary, or high school, or special certificate who also holds special education approval in the area of responsibility (see Section 226.810 of this Part) shall successfully complete a language examination in the non-English language of instruction and shall have completed the coursework listed in subsections (f)(1)(A), (B), and (C) of this Section.

3) A holder of an early childhood, elementary, or high school, or special certificate who also holds approval to teach bilingual education or English as a second language shall have completed coursework covering:

A) Methods for teaching in the special education area of assignment;

B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and

C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.

4) A holder of a transitional bilingual certificate issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:

A) Survey of children with all types of disabilities;
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B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;

C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;

D) Methods for teaching in the special education area of assignment; and

E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.

5) A holder of a school service personnel certificate endorsed for guidance, school social work, or school psychology shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.

g) Directors and Assistant Directors of Special Education

Each school district, or the cooperative entity of which it is a member, shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity. The provisions of subsections (g)(1) and (2) of this Section shall apply through June 30, 2005. Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140 and 29.150.

1) Each director or assistant director of special education shall hold a valid administrative certificate issued pursuant to 23 Ill. Adm. Code 25.365 and a master's degree, including 30 semester hours of coursework distributed among all the following areas:

A) Survey of exceptional children;

B) Special methods courses (3 areas of exceptionality);
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C) Educational and psychological diagnosis and remedial techniques;
D) Guidance and counseling; and
E) Supervision of programs for exceptional children.

2) Each individual who will function as a director or assistant director of special education shall submit an application for special education administrative approval on a form supplied by the State Board of Education.

3) Each school district, or the cooperative entity of which it is a member, shall submit to the State Board of Education a letter identifying the individual employed as the director of special education. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the district or cooperative entity.

h) Supervisors

1) Each district or cooperative entity shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.

2) Each individual performing a supervisory function shall hold a master's degree, including at least 15 semester hours of coursework distributed among all the following areas:

A) Survey of exceptional children;
B) Characteristics courses in the areas to be supervised;
C) Methods courses in the areas to be supervised;
D) Educational and psychological diagnosis and remedial techniques; and
E) Supervision of programs for exceptional children.
3) Each individual performing a supervisory function shall also hold either:

A) a valid special certificate in the area to be supervised, endorsed for supervision pursuant to 23 Ill. Adm. Code 25.497, with two years' teaching experience in that area; or

B) a valid school service personnel certificate endorsed for supervision and two years' experience in the area to be supervised; or

C) a valid administrative certificate and either a valid special certificate endorsed for the area to be supervised or special education approval in that area.

i) Chief Administrator of Special School
The chief administrator of a special school shall hold an administrative certificate with a general administrative endorsement issued pursuant to 23 Ill. Adm. Code 25.335 or 25.365 and either:

1) the qualifications required under 23 Ill. Adm. Code 25.43 in at least one disability area served by the school; or

2) approval issued by the State Board of Education pursuant to Section 226.810 of this Part for at least one disability area served by the school.

j) Other Professional Personnel
Each individual employed in a professional capacity not specified in subsections (a) through (i) of this Section shall, as appropriate to his or her assignment, hold:

1) the school service personnel certificate endorsed as appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or

2) a valid license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions assigned; or
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3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist).

k) Noncertified Personnel

1) Each noncertified professional individual employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.

2) Each program assistant/aide, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.

3) Each district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2) of this Section. Training shall be in lieu of the requirements for noncertified personnel set forth in 23 Ill. Adm. Code 1, Subpart G.

(Source: Amended at 34 Ill. Reg. _____, effective ____________)

Section 226.840 Qualifications of Evaluators

The following list identifies the credentials required to administer certain types of evaluations. Where no requirements are established, an evaluation may be performed by an individual who is qualified to administer it according to the technical specifications of the publisher.

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<tr>
<th>TYPE</th>
<th>REQUIRED QUALIFICATIONS</th>
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</table>
### Adapted Physical Education
Special Certificate endorsed for physical education with approval in adapted physical education (23 Ill. Adm. Code 25.40 and 25.43).

### Assistive Technology
To the extent that a test is used in performing this assessment, qualification for administering the test according to the instructions provided by the test's publisher.

### Audiological
License to practice as an Audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

### Clinical Psychological
License issued pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15]

### Cultural Background Assessment
School Service Personnel Certificate endorsed for school psychology, school social work, or school counseling.

### Hearing Screening
License to practice as an Audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], Special Certificate endorsed for speech and language impairment (23 Ill. Adm. Code 25.45), or certificate of training issued by the Department of Public Health (77 Ill. Adm. Code 675).

### Learning Processes Evaluation

### Medical Review
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

or registration with the Illinois Department of Financial and Professional Regulation license to practice medicine in all of its branches.

Neurological Evaluation
Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987 [225 ILCS 60].

Occupational Therapy Evaluation
Certificate/Registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Orientation/Mobility
Certification for orientation/mobility instruction and evaluation (Certification for Orientation and Mobility, Orientation and Mobility Division, Association for Education and Rehabilitation of the Blind and Visually Impaired, 4600 Duke Street, #430, P.O. Box 22397, Alexandria, Virginia 22304; 1984; no later amendments or editions are included).

Physical Therapy Evaluation
Certificate/registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].

Psychiatric Evaluation
Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987.

School Psychological
School Service Personnel Certificate endorsed for school psychology.

Social Developmental Study (Adaptive Behavior, Cultural Background, Family History)
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Speech and Language Assessment  Special Certificate endorsed for speech and language impairment (23 Ill. Adm. Code 25.45).


(Source: Amended at 34 Ill. Reg. ______, effective _____________)
NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: General Operations of the State Fairs and Fairgrounds

2) Code Citation: 8 Ill. Adm. Code 270

3) Section Numbers: Adopted Action:
   270.350    Amendment
   270.560    Amendment
   270.630    Amendment

4) Statutory Authority: State Fair Act [20 ILCS 210]

5) Effective Date of Rulemaking: July 1, 2010

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: February 16, 2010; 34 Ill. Reg. 2372

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: The heading of the Part has been changed to "General Operations of the State Fairs and Fairgrounds"; and in Section 270.560(a) the following sentence has been added: "When camping is permitted, pets are permitted only in campground areas designated by the Division administrator or his or her designee".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No
DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

15) **Summary and Purpose of Rulemaking**: This rulemaking will allow pets to be in designated campgrounds during the State Fair in Springfield and DuQuoin; allow camping at times other than during an event that has leased the entire fairgrounds; and expand stall rentals for thoroughbreds, racing quarter horses and lead ponies.

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

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

   Telephone: 217/785-5713  
   Facsimile: 217/785-4505

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER j: FAIRS

PART 270
GENERAL OPERATIONS OF THE STATE FAIRS AND FAIRGROUNDS
ILLINOIS STATE FAIR, AND DUQUOIN STATE FAIR, NON-FAIR SPACE RENTAL
AND THE GENERAL OPERATION OF THE STATE FAIRGROUNDS

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270.10 Definitions
270.15 Policy
270.20 Violation of Rules; Administrative Hearings

SUBPART B: CONCESSIONS AND EXHIBITS AT THE STATE FAIR

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270.25 Categories of Exhibits
270.30 Privilege to Operate a Concession or Exhibit
270.35 Application for Reassignment of Space
270.40 New Applications for Space Rental
270.45 Substitute Locations or Discontinuance of Contracts
270.50 Reassignment of Space by Department
270.55 Number of Stands Permitted
270.60 Policy Governing Exhibits/Concessions and Approval to Conduct Business
270.65 Policy of Permitting Space Without Monetary Charge
270.70 Exercising Constitutional Freedoms
270.75 Assignment of Contracts
270.80 Inspection of Premises
270.85 Removal or Denial of Acceptance
270.90 Concessions and Exhibits Prohibited
270.95 Liquified Petroleum Gas
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270.105 Measuring Space
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270.120 Display of Exhibit or Concession Number
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270.170 Inside Exhibits
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SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS OR EVENTS

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270.255 Premium Books
270.260 Payment of Premiums
270.261 Land of Lincoln Breeders Awards for Purebred or Registered Livestock
DEPARTMENT OF AGRICULTURE

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270.270 Judge's Salary
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SUBPART F: CERTIFICATES OF AWARD: STATE FAIR

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NOTICE OF ADOPTED AMENDMENTS

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SUBPART N: HORSE OR CATTLE BARN, STALL AND TACK ROOM RENTAL: NON-FAIR

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AUTHORITY: Implementing and authorized by the State Fair Act [20 ILCS 210]; implementing Section 40.14 and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14].


SUBPART I: MISCELLANEOUS RULES GOVERNING THE OPERATION OF THE STATE FAIR

Section 270.350 Pets

Pets are not allowed to be in public areas of the fairgrounds during the State Fair, except confined to campground areas as defined by the Division administrator or Division administrator's designee. Pets used for assistance to disabled persons, authorized competitive exhibits, shows or demonstrations at the State Fair or other approved purposes will be allowed. Violation of this Section will be cause for termination of any contract or privilege and for removal of the pets and owners from the Fairgrounds.
DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 34 Ill. Reg. 8996, effective July 1, 2010)

SUBPART L: CAMPING: NON-FAIR

Section 270.560 Who May Camp

a) Camping is permitted at any time, other than during an event that has leased the entire fairgrounds, on the State Fairgrounds only permitted in association with contracted events on the State Fairgrounds. When camping is permitted, pets are permitted only in campground areas designated by the Division administrator or his or her designee.

b) Any property remaining in the camping area after a 5 day written notice by the Department demanding removal of a person and/or property shall constitute an abandonment, and give the Department the right of assignment and sale of all said personal property to the Illinois Department of Agriculture without any additional consideration.

(Source: Amended at 34 Ill. Reg. 8996, effective July 1, 2010)

SUBPART N: HORSE OR CATTLE BARN, STALL AND TACK ROOM RENTAL: NON-FAIR

Section 270.630 General Stabling Rules: (Non-Contractual Events)

a) No horse stabling will be permitted in the barns south of Central Avenue or west of Calvary Street;

b) No horses will be permitted south of Barn 38 or west of Barn 78;

c) No stall rentals shall be made for "pleasure or show" horses. The provisions of this subsection shall not apply to "standard bred, thoroughbred or racing quarter horses and lead ponies" for which individual stall rentals shall be available. "Pleasure or show" horses shall mean all other horses not falling within the definition of "standardbred, thoroughbred or racing quarter horse and lead ponies".

(Source: Amended at 34 Ill. Reg. 8996, effective July 1, 2010)
BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

1) **Heading of the Part:** Private Colleges and Universities Capital Distribution Formula

2) **Code Citation:** 23 Ill. Adm. Code 1039

3) **Section Numbers:**
   - 1039.10    New
   - 1039.20    New
   - 1039.30    New
   - 1039.40    New
   - 1039.50    New
   - 1039.60    New
   - 1039.70    New
   - 1039.80    New
   - 1039.85    New
   - 1039.90    New

4) **Statutory Authority:** 30 ILCS 769/Art. 25, 30 ILCS 750, and 30 ILCS 425

5) **Effective Date of Rulemaking:** June 24, 2010

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** The rulemaking does not include incorporations by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Board of Higher Education's office and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register:** February 16, 2010; 34 Ill. Reg. 2381

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** A new Section 1039.85 was created to provide guidelines. It was added to explain how the grant funds may be used. Since the grant funds are Build Illinois bond proceeds, there were some concerns regarding the eligibility of some capital project requests.
An alternative calculation to determine the number of full-time equivalents (FTE) was added in Section 1039.40(d)(1). The non-public institutions are not required to follow the same structure used by public institutions in determining credit hours and FTE. The rules now require an alternative calculation that is substantially equivalent to the structure used by public institutions in three situations. The alternative calculation also requires consultation with the institution.

The terms of the redistribution grant awards were clarified in Section 1039.20 in the definition of "grant period". Pursuant to the Act, the IBHE is to redistribute any unused funds held by a grantee at the end of the five-year grant period. Changes were made to the rules to clarify that the redistribution grants are subject to the terms of the Grant Funds Recovery Act which limits the grant period to two years.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes


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

15) Summary and Purpose of Rulemaking: On July 13, 2009, Governor Quinn signed Public Act 96-37 into law creating the Private Colleges and Universities Capital Distribution Formula. This Act created a distribution formula for grants to non-profit private colleges and universities from the proceeds of $300 million in Build Illinois bond sales. As proceeds become available, the funds will be released to the Capital Development Board, which will release funds to the IBHE for distribution. This administrative rule is needed to identify eligible institutions, determine eligible capital projects, verify enrollment for the distribution formula, sequence the distribution, and comply with state accountability requirements.

16) Information and questions regarding this adopted rulemaking shall be directed to:

Karen Helland
Agency Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, Illinois 62701-1404
BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

217/557-7358
Fax: 217/782-8548
helland@ibhe.org

The full text of the Adopted Rules begins on the next page:
Section 1039.10 Purpose
The purpose of this Part is to provide for the distribution of grant funds to nonpublic, nonprofit institutions of higher education as appropriated under the Private Colleges and Universities Capital Distribution Formula Act.

Section 1039.20 Definitions
"Board" means the Illinois Board of Higher Education.

"Capital Projects" means the construction, repair, renovation, and miscellaneous capital improvements, including the planning, engineering, acquisition, reconstruction, remodeling, improvement, repair and installation of capital improvements.
facilities and costs of planning, supplies, equipment, materials, services, and all other required expenses. [30 ILCS 425/4(c)] Capital Projects do not include the following:

The repair, renovation or construction of facilities used for sectarian instruction, religious worship or a school or department of divinity or in which a majority of the functions of the facilities are subsumed in a religious mission. For the purposes of this grant, a "school or department of divinity" means an institution, or a department of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

The repair, renovation or construction of the proportional share of joint use facilities that either:

provide personal residential space for owners, administrators or persons who are not students of the institution; or

provide office, retail or storage space used for business activities unrelated to the educational mission of the institution.

"DFPR" means the Illinois Department of Financial and Professional Regulation or its successor.

"Fall Term" means the part of the academic year that begins between late August and November 1.

"FTE" means the full-time equivalent students as determined by Section 1039.40 who were enrolled in the fall 2008 term.

"Grant Period" means the term that begins on the date of the appropriation from which the grant is to be paid and extends for no longer than five years. This grant period will be reflected in the grant agreement. Pursuant to the Grant Funds Recovery Act [30 ILCS 705/5], independent colleges that receive a redistribution of grant funds after the initial grant period of five years shall have two years to expend the funds.

"Independent Colleges" means, solely for the purposes of this Part, nonpublic, nonprofit colleges and universities based in Illinois that have either been
authorized to operate within the State of Illinois pursuant to the Private College Act [110 ILCS 1005] and/or the Academic Degree Act [110 ILCS 1010]; or have been in continuous operation and granted degrees within the State of Illinois before the effective date of those Acts and have not modified the business entity since the effective dates of those Acts.

The term does not include any institution that primarily or exclusively provided online education services as of the fall 2008 term. [30 ILCS 769/25-5]; for the purposes of this Part, primarily or exclusively means greater than 75 percent of the courses offered by the institution.

The term does not include any educational organization primarily used for sectarian instruction, as a place of religious teaching or worship or for any religious denomination or the training of ministers, priests, rabbis or other professional persons in the field of religion; for the purposes of this Part, primarily used means greater than 75 percent of the students enrolled in theology and religious vocation programs.

Section 1039.30 Eligibility

a) Eligible institutions shall be independent colleges as defined in Section 1039.20.

b) Grants will be awarded only for capital projects as defined in Section 1039.20.

Section 1039.40 Determination of Fall 2008 FTE

a) The fall 2008 FTE shall be determined pursuant to this Section.

b) The last day that a student may add or withdraw classes during the fall term without imposition of a financial penalty shall be the date as of which the number of students enrolled and attending shall be determined.

c) Students reported are those enrolled in a course or courses creditable toward a degree or other formal postsecondary award, but the report shall not include students enrolled in any academic program that results in an award less than an associate's degree or degree programs that prepare individuals for the professional practice of religious vocations.

d) The FTE is calculated based on the total number of credit or contact hours for the
undergraduate and graduate students. Total hours are converted into full-time equivalents based on hours and education level. Any fraction of the total FTE at the education level will be dropped.

1) Undergraduate FTE enrollment shall be determined by dividing the total credit hours (or equivalent) by 15. For graduate programs, FTE enrollment shall be determined by dividing the total credit hours by 12. An alternative calculation for determining the FTE that is substantially equivalent to the above shall be used by the Board in consultation with the institution when the institution uses a non-traditional academic calendar, awards credit hours in a unique method, or the auditor reports an exception in how the FTE is calculated in the report required by subsection (f).

2) For institutions that do not grant credit hours, the credit hour value of each unit is obtained by dividing the number of units required for a typical baccalaureate degree into 120 for semester hour equivalency or 180 for quarter hour equivalency.

e) The fall instructional hours by education level will be recorded and certified by the institution on a form provided by the Board.

f) An applicant shall contract with an external auditor who is a certified public accountant licensed by DFPR to verify the calculation of credit hours as specified below:

1) Receive a copy of the institution's certified hours calculations, application materials, and a copy of this Part;

2) Review the applicant's internal reports and calculations against the requirements of this Section to determine whether credit hours were calculated using the agreed-upon procedures;

3) Inspect the academic calendar to determine the fall 2008 term and days for determining credit hours, calculate credit hours, and compare to applicant's internal reports. Document whether any exceptions were found as a result of applying the procedure; and

4) Provide an independent report to the Board regarding compliance with the
Section 1039.50 Application

An independent college desiring to receive grant funds must submit a grant application to the Board.

a) Applications for grant funds shall be made on prescribed forms developed by the Board and shall include, without being limited to, the following provisions and information:

1) The name, address, chief officers and general description of the applicant;
2) Certification that the institution is an independent college as defined in Section 1039.20;
3) Certification that the grant funds will be used for capital projects as defined in Section 1039.20;
4) Certification of credit hours for the fall 2008 term and a report by an external auditor pursuant to Section 1039.40(f);
5) A description of the capital projects for which grant funding is requested;
6) Plans and other documents as may be required to show the type, structure and general character of the capital projects for which grant funding is requested; and
7) Cost estimates of the capital projects for which grant funding is requested.

b) Grant applications may be obtained from the Illinois Board of Higher Education, 431 East Adams Street, Second Floor, Springfield, Illinois 62701-1404 or the Board's website at www.ibhe.org.

c) Completed applications must be submitted to the Board at the address indicated in subsection (b) and must be received by the announced deadline for the submission of applications, which shall not be less than 45 days after the announcement and release of application materials.
d) Board staff shall review application documents of all independent colleges for compliance with the application and eligibility requirements. The Board may request additional documentation and/or a meeting between its staff and institutional representatives to resolve questions about application documents. In the event that material submitted by an applicant institution is incomplete or not of sufficient detail to provide an understanding of the proposed projects, the Board will request additional information.

e) After the review is complete, the Board shall provide written notification to an applicant indicating whether the application is in compliance.

Section 1039.60 Grant Agreement

a) Grant funds may not be expended except pursuant to a written grant agreement, and disbursement of grant funds without a grant agreement is prohibited. At a minimum, a grant agreement shall:

1) Describe the purpose of the grant and be signed by authorized representatives of the Board and the independent college;

2) Specify how payments shall be made and the financial controls applicable to the grant, including an agreement to file quarterly reports describing the progress of the capital projects and the expenditure of the related grant funds;

3) Specify that the use of grant funds will be consistent with Section 1039.85;

4) Specify the period of time for which the grant is valid and the period of time during which grant funds may be expended by the grantee;

5) Contain a provision that all funds remaining at the end of the grant agreement, or at the expiration of the period of time grant funds are available for expenditure or obligation by the grantee, shall be returned to the State within 45 days;

6) Contain a provision that any grantees receiving grant funds are required to permit the Board, the Auditor General or the Attorney General to inspect
and audit any books, records or papers related to the capital projects for which grant funds were provided;

7) Contain a provision in which the grantee certifies under oath that all information in the grant agreement is true and correct to the best of the grantee's knowledge, information and belief; that the funds shall be used only for the purposes described in the grant agreement; and that the award of grant funds is conditioned upon that certification;

8) Provide that the institution shall contract with an external auditor who is a certified public accountant licensed by DFPR to conduct an audit of the expenditure of grant funds provided under this program at the end of the grant period to verify that grant funds were expended pursuant to the grant agreement and not for sectarian purposes or other unauthorized purposes (the audit may be conducted earlier when all funds are expended prior to the end of the grant period).

9) Require grantee to use the interest earned on any grant funds for eligible capital projects. The interest earned on grant funds shall not change the amount of the grant.

10) Contain a provision that if, within 10 years after the completion of any capital project for which a grant was made under this program, the property ceases to meet the nonsectarian requirements of a capital project as defined in this Part or the institution ceases to be an independent college as defined in this Part, the grantee shall refund to the State an amount determined as follows:

\[
\text{Required Refund (\$)} = \frac{\text{Grant Amount (\$)}}{120 \text{ Months}} \times \frac{\text{Duration of Noncompliance (months)}}{120 \text{ Months}}
\]

11) Contain a provision that the grant recipient agrees to comply with the terms of the State Finance Act regarding the business enterprise program practices for State grant recipients when required by law. (See 30 ILCS 105/45.)
b) The Board shall not execute grant agreements until grant recipients have complied with the terms of the State Finance Act regarding the business enterprise program practices for State grant recipients when required by law. (See 30 ILCS 105/45.)

c) The Board shall withhold or suspend the distribution of grant funds for failure to file required quarterly reports.

d) Any independent college that is eligible to receive a redistribution of funds as described in Section 1039.70(d) is subject to the grant agreement terms described in subsections (a), (b) and (c), the use of grant funds described in Section 1039.85, and the audit guidelines described in Section 1039.90.

Section 1039.70 Distribution Formula

a) The distribution of grants shall be determined by a formula which has two components: a base grant and an FTE grant. [30 ILCS 769/25-10] To ensure an equitable and fair distribution of funds, the credit hours are reported by the institution and verified by an external auditor.

b) Base Grants

1) Each grantee will receive a base grant determined by its fall 2008 FTE, using the following ranges:

   A) Between 1 and 200 FTE, $200,000;
   B) Between 201 and 500 FTE, $1,000,000;
   C) Between 501 and 4,000 FTE, $2,000,000; and
   D) Greater than 4,000 FTE, $5,000,000.

2) If for any reason the amount of funds available for release is not sufficient to distribute the base grant amounts, the Board shall distribute prorated shares to grantees along with an explanation.

c) FTE Grants. After the distribution of the base grants, the remainder of moneys will be distributed on a pro rata share of fall 2008 FTE to the independent colleges as FTE grants.
d) Failure to Use. If any independent college does not utilize its full award or a portion thereof after 5 years, the remaining funds shall be re-distributed to the remaining independent colleges with capital projects as FTE grants on a pro rata basis. [30 ILCS 769/25-10]

Section 1039.80 Accessing Awards

a) Each independent college shall have up to 5 years from the date of appropriation to access and utilize its awarded amounts [30 ILCS 769/25-10].

b) Upon the execution of a grant agreement, the Board will release the grant funds to the grantee in accordance with the terms of the grant agreement, provided that the funds have been appropriated or reappropriated and have been made available by the Capital Development Board.

c) The ability of a grantee to access the grant awards at any point during the five year grant period is contingent upon the amount of funding available.

d) Upon the execution of a grant agreement for grant funds redistributed under Section 1039.70(d), the Board will release the grant funds to the grantee in accordance with the terms of the grant agreement.

Section 1039.85 Use of Grant Funds

a) Grant funds may be used for one or more of the following:

1) Services and goods directly related to an eligible capital project that are not prohibited by subsection (b);

2) Reimbursement for funds from other sources that were expended on an eligible capital project and the expenses were incurred on or after July 13, 2009;

3) Auditor services for the reports required in Sections 1039.40(f) and 1039.60(a)(9);

4) Projects that include the construction of a facility on leased property; the renovation of a leased facility; or the acquisition of the furnishings for a
leased facility and the capital projects are not prohibited by subsection (b) shall include the following stipulations:

A) The lease shall be for a period of at least 10 years commencing at the time of the capital project completion;

B) Any reimbursement or discount by the lessor to a lessee for improvements that were originally funded by a grant made under this program shall be returned to the State as a reimbursement by the grant recipient; and

C) If within 10 years after the completion of any capital project for which a grant was made under this program, the property ceases to meet the nonsectarian use requirements of a capital project as defined in this Part, the grantee ceases to be an independent college as defined in this Part or the lease is terminated for any reason by the grantee or lessor, the grantee shall refund to the State an amount determined as follows:

\[
\text{Grant Amount (\$)} \times \frac{\text{Duration of Noncompliance (months)}}{120 \text{ Months}} = \text{Required Refund (\$)}
\]

b) Grant funds shall not be used for the following:

1) Operational and administrative expenses (e.g., travel, recurring supplies or other recurring expenditures that are similar in character);

2) Expenditures for leasing or rental of equipment and/or capital facilities;

3) Decorative models, plaques and other commemorative memorabilia;

4) Commodity-type consumable items having a relatively brief expected useful life (e.g., books, instructional consumables and other expenditures that are similar in character); or

5) Expenditures for services or goods not directly associated with an eligible capital project.
BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

Section 1039.90 Audit Guidelines

a) To fulfill the audit requirements of this Part, the grantees shall contract with an external auditor who is a certified public accountant licensed by DFPR to perform an audit as specified in subsection (b).

b) To fulfill the audit requirements in Section 1039.60(a)(9) for the grant program, the external auditor shall:

1) Receive copies of the institution's application, a certified grant agreement and a copy of this Part;

2) Verify the expenditure of funds as provided for in this Part, and ensure that funds were expended on projects listed in the grant agreement;

3) Verify that grant funds were not used for sectarian facilities; and

4) Provide an audit report to the Board including a description of the tests performed and the audit findings.

c) In the event that an audit or other evidence establishes that an overpayment was made in a grant to an institution, a reimbursement to the Board shall be required. Reimbursements made by an institution to the Board shall be available for redistribution to the other grantees. A reimbursement is required in the following situations:

1) The fall 2008 credit hours were over-reported;

2) Grant funds were not expended within the grant period; or

3) Grant funds were expended for purposes not authorized under the grant agreement.

d) In the event that no audits are submitted, an institution shall reimburse the State for the total amount of the grant.
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Public Information, Rulemaking and Organization

2) **Code Citation:** 2 Ill. Adm. Code 1825

3) **Section Numbers:**
   - 1825.10 Amendment
   - 1825.20 Amendment
   - 1825.50 Amendment
   - 1825.60 Amendment
   - 1825.90 Amendment
   - 1825.APPENDIX A Repeal
   - 1825.APPENDIX B Repeal
   - 1825.ILLUSTRATION A New Section

4) **Statutory Authority:** Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4]

5) **Effective Date of Amendments:** June 22, 2010

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register:** Because this rulemaking is not subject to Section 5-35 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-35], the Agency was not required to publish proposed amendments at First Notice.

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) **Differences between proposal and final version:** None. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or to Second Notice review by JCAR.
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or to Second Notice review by JCAR.

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

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The Agency is amending its public information, rulemaking and organization regulations to reflect changes made to the Freedom of Information Act [5 ILCS 140] by Public Act 96-542, which took effect on January 1, 2010.

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

    Kimberly Geving, Assistant Counsel
    Illinois Environmental Protection Agency
    1021 North Grand Avenue East
    P.O. Box 19726
    Springfield, Illinois 62794-9276

    217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XIV: ENVIRONMENTAL PROTECTION AGENCY

PART 1825
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
1825.10 Access to Information of the Illinois Environmental Protection Agency
1825.20 Procedures for Determining and Protecting Confidential Information

SUBPART B: RULEMAKING

Section
1825.30 Applicability
1825.40 Definitions
1825.50 Procedure
1825.60 Public Hearings

SUBPART C: ORGANIZATION

Section
1825.70 Applicability
1825.80 Definitions
1825.90 Agency Organization

1825.APPENDIX A Organization Chart Environmental Protection Agency State of Illinois Part One (Repealed)
1825.APPENDIX B Organization Chart Environmental Protection Agency State of Illinois Part Two (Repealed)
1825.ILLUSTRATION A Organization Chart of the Illinois Environmental Protection Agency

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS


SUBPART A: PUBLIC INFORMATION

Section 1825.10 Access to Information of the Illinois Environmental Protection Agency


(Source: Amended at 34 Ill. Reg. 9019, effective June 22, 2010)

Section 1825.20 Procedures for Determining and Protecting Confidential Information


(Source: Amended at 34 Ill. Reg. 9019, effective June 22, 2010)

SUBPART B: RULEMAKING

Section 1825.50 Procedure

a) Rules may be proposed by the Director or Agency's divisions. Final adopted rules shall only be approved by the Director.

b) Any interested person may petition the Director to make, amend or repeal an Agency rule.

1) The petition shall be addressed to:

   Director
   Illinois Environmental Protection Agency
   1021 North Grand Ave, East 2200 Churchill Road
ENVIROMENTAL PROTECTION AGENCY

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PO Box 19276
Springfield, Illinois 62794-9276

2) The petition shall contain a clear statement of reasons for the proposed rule, amendment or repeal and the exact language of the suggested new rule or amendment.

c) The principal copy of the Agency's adopted rules which have been filed with the Secretary of State Administrative Code Unit (ACU) and stamped by the ACU with the date the rules were filed, shall be kept at the Agency's Library at 1021 North Grand Ave, East 2200 Churchill Road, Springfield, Illinois; other stamped copies shall be kept at the Agency's divisional regional offices, and shall be available for public review from 8:30 am to 4:30 pm during State working days.

d) In proposing and adopting rules the Agency shall follow the requirements of the Illinois Administrative Procedure Act [5 ILCS 100](Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.); the rules of the Joint Committee on Administrative Rules (1 Ill. Adm. Code 220, 230 and 240); the Secretary of State's "Rulemaking Procedures" (1 Ill. Adm. Code 100), and the Secretary of State's "Administrative Code Style Manual".

(Source: Amended at 34 Ill. Reg. 9019, effective June 22, 2010)

Section 1825.60 Public Hearings

Public hearings required under Section 5-40(b)(5) of the Illinois Administrative Procedure Act [5 ILCS 100/5-40(b)(5)] shall be held in accordance with the Agency's "Procedures for Informational and Quasi-Legislative Public Hearings" (35 Ill. Adm. Code 164).

(Source: Amended at 34 Ill. Reg. 9019, effective June 22, 2010)

SUBPART C: ORGANIZATION

Section 1825.90 Agency Organization

a) The organization and duties of the Agency staff are established by the Director, as provided by Section 4 of the Environmental Protection Act [415 ILCS 5/4].
b) The organization of the Agency is illustrated in the organization charts in Illustration A Appendices A and B, or as hereafter amended.

(Source: Amended at 34 Ill. Reg. 9019, effective June 22, 2010)
Section 1825. APPENDIX A  Organization Chart Environmental Protection Agency State of Illinois Part One (Repealed)
Section 1825. APPENDIX B  Organization Chart Environmental Protection Agency State of Illinois Part Two (Repealed)

(Source: Repealed at 34 Ill. Reg. 9019, effective June 22, 2010)
Section 1825.ILLUSTRATION A  Organization Chart of the Illinois Environmental Protection Agency

(Source: Added at 34 Ill. Reg. 9019, effective June 22, 2010)
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Access to Public Records of the Illinois Environmental Protection Agency

2) **Code Citation:** 2 Ill. Adm. Code 1828

3) **Section Numbers:**
   - 1828.101 Amendment
   - 1828.102 Amendment
   - 1828.201 Amendment
   - 1828.202 Amendment
   - 1828.301 Amendment
   - 1828.302 Amendment
   - 1828.303 Amendment
   - 1828.304 Repeal
   - 1828.305 New Section
   - 1828.401 Amendment
   - 1828.403 Amendment
   - 1828.405 Amendment
   - 1828.501 Amendment
   - 1828.502 Amendment
   - 1828.504 Amendment
   - 1828.505 Amendment
   - 1828.506 New Section
   - 1828.507 New Section
   - 1828.601 Amendment
   - 1828.602 Amendment
   - 1828.603 Amendment
   - 1828.APPENDIX A Amendment

4) **Statutory Authority:** Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3h)] and implementing Section 7 of the Illinois Environmental Protection Act [415 ILCS 5/7]

5) **Effective Date of Amendments:** June 22, 2010

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No
ENVIROMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: None. Because this rulemaking is not subject to Section 5-35 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-35], the Agency was not required to publish Proposed Amendments for First Notice.

10) Has JCAR issued a Statement of Objection to these amendments? No. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: None. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or to Second Notice review by JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were made. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or to Second Notice review by JCAR.

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: January 2010

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

   Kimberly Geving, Assistant Counsel
   Illinois Environmental Protection Agency
   1021 North Grand Avenue East
   P.O. Box 19726
   Springfield, Illinois 62794-9276

   217/782-5544

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATIONS
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XIV: ENVIRONMENTAL PROTECTION AGENCY

PART 1828
ACCESS TO PUBLIC RECORDS OF THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SUBPART A: INTRODUCTION

Section
1828.101 Summary, Purpose and Compliance Date
1828.102 Definitions

SUBPART B: CLASSIFICATION OF PUBLIC RECORDS

Section
1828.201 Public Records that Will Be Disclosed
1828.202 Public Records that Shall Not Be Disclosed
1828.203 Public Records that May be Disclosed to Governmental Requesters

SUBPART C: PROCEDURES FOR REQUESTING PUBLIC RECORDS FROM THE AGENCY

Section
1828.301 Submittal of Requests for Public Records
1828.302 Form of Requests for Public Records
1828.303 Information Provided in Requests for Public Records
1828.304 Requests for Public Records Relating to Pending Litigation (Repealed)
1828.305 Requests for Public Records To Be Used for Commercial Purposes

SUBPART D: PROCEDURES FOR CLAIMING AND DETERMINING THAT PUBLIC RECORDS ARE EXEMPT FROM DISCLOSURE

Section
1828.401 Claims by Submitters that Public Records are Exempt from Disclosure
1828.402 Agency Review of Claims of Exemption from Disclosure
1828.403 Agency Actions Following a Determination that a Public Record is Not Exempt from Disclosure
SUBPART A: INTRODUCTION

Section 1828.101  Summary, Purpose and Compliance Date
a) This Part states the policy of the Illinois Environmental Protection Agency (Agency) for making its public records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.

b) This Part:
   1) Establishes the following classifications for public records in the Agency's possession:
      A) Public records which shall be disclosed;
      B) Public records which shall not be disclosed; and
      C) Public records which may be disclosed to governmental requesters;
   2) Contains the procedures by which requesters may obtain public records in the Agency's possession; and
   3) Contains the procedures for claiming and determining that public records submitted to the Agency are exempt from disclosure.

c) In determining whether a public record is a trade secret and therefore exempt from disclosure, the Agency shall follow the rules set forth at 2 Ill. Adm. Code 13035 Ill. Adm. Code 120, promulgated by the Illinois Pollution Control Board.

d) Compliance with the procedures set forth in this Part is required on and after January 1, 2000. This delayed compliance date is established to allow the Agency, requesters and submitters time to implement the procedures of this Part. This Part shall apply to any request or submittal pending before the Agency as of January 1, 2000.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.102 Definitions

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140], the Environmental Protection Act [415 ILCS 5] and regulations promulgated by the Pollution Control Board. The following definitions are applicable for purposes of this
ENVIRONMENTAL PROTECTION AGENCY

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Part:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency as established by the Act.

"Board" means the Pollution Control Board as established by the Act.

"Commercial purpose" means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles or opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education. (Section 2(c-10) of FOIA)

"Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means now known or hereafter developed and available to the Agency. (Section 2(d) of FOIA)

"Department", when a particular entity is not specified, means (i) in the case of a function to be performed on or after July 1, 1995 (the effective date of the Department of Natural Resources Act), either the Department of Natural Resources or the Department of Commerce and Economic Opportunity (formerly Department of Commerce and Community Affairs)Community Affairs, whichever, in the specific context, is the successor to the Department of Energy and Natural Resources under the Department of Natural Resources Act; or (ii) in the case of a function performed before July 1, 1995, the former Illinois Department of Energy and Natural Resources. (Section 3.1803-07 of the Act)

"Director" means the Director of the Agency.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Governmental requester" means any officer, employee or authorized
ENVIRONMENTAL PROTECTION AGENCY

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representative of Illinois or of the United States concerned with implementation of State or federal environmental statutes and regulations.

"News media" means a newspaper or other periodical issued at regular intervals, whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA).

"Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed by the Attorney General, who shall be an attorney licensed to practice law in the State of Illinois. The Public Access Counselor's mission is to provide advice and education with respect to the interpretation and implementation of FOIA and the Open Meetings Act. The Public Access Counselor is responsible for carrying out the duties as set forth in Section 7 of the Attorney General Act. [15 ILCS 205]

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded
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information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Agency. (Section 2(c) of FOIA).

"Requester" is any person who has submitted to the Agency a written request for public records to the Agency.

"Submitter" means any person who provides to the Agency public records that may or may not be available for public inspection.

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

SUBPART B: CLASSIFICATION OF PUBLIC RECORDS

Section 1828.201 Public Records that Will Be Shall be Disclosed

Upon request meeting the requirements of this Part, the Agency shall disclose to the requester all public records requested except those that are exempt from disclosure pursuant to Section 1828.202. Public records covered under this Section shall include, but not be limited to:

a) Records of funds. All records relating to the obligation, receipt, and use of public funds of the Agency are public records subject to inspection and copying by the public (Section 2.5 of FOIA);

b) Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act are public records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the Agency prior to disclosure (Section 2.10 of FOIA);
ENVIRONMENTAL PROTECTION AGENCY

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c) Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are public records subject to inspection and copying by the public pursuant to FOIA:

i) Court records that are public;

ii) Records that are otherwise available under State or local law; and

iii) Records in which the requesting party is the individual identified, except as provided under Section 1828.202(a)(1)(D)(vi) (Section 2.15(b) of FOIA); and

d) Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are public records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 1828.202 of this Part may be redacted. (Section 2.20 of FOIA)

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.202 Public Records that Will/Should Not Be Disclosed

a) When a request is made to inspect or copy a public record that contains information that is otherwise exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the Agency shall make the remaining information available for inspection and copying. (Section 7(1)(a) of FOIA). Subject to this requirement, the Agency shall not disclose the following public records:

1) Public records exempt from disclosure pursuant to Section 7 of FOIA, including but not limited to:

   A) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing adopted under federal or State law; (Section 7(1)(a) of FOIA)

   B) Private information, unless disclosure is required by another provision of FOIA, a State or federal law or a court order; (Section 7(1)(b) of FOIA)
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Cß) Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy; (Section 7(1)(c) of FOIA). Information exempted under this subsection includes, but is not limited to:

i) Files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

ii) Personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

iii) Files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

iv) Information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute; and

v) Information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies.

DÈ) Records in the possession of compiled by any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, or for internal matters of a public body, but only to the extent that disclosure would:
ENVIRONMENTAL PROTECTION AGENCY

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i) Interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

ii) Interfere with administrative enforcement proceedings conducted by any public body that is the recipient of the request;

iii) Create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

iv) Unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

v) Disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

vi) Constitute an invasion of personal privacy under subsection (b) of this Section;

vii) Endanger the life or physical safety of law enforcement personnel or any other person; or
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vi) Obstruct an ongoing criminal investigation by the agency that is the recipient of the request. (Section 7(1)(d) of FOIA)

D) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

i) Chronologically maintained arrest information, such as traditional arrest logs or blotters;

ii) The name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

iii) Court records that are public;

iv) Records that are otherwise available under State or local law; or

v) Records in which the requesting party is the individual identified, except as provided under subsection (a)(1)(C)(vii) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes;

E) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant
ENVIRONMENTAL PROTECTION AGENCY

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portion of a record shall not be exempt when the record is publicly cited and identified by the head of the Agency public body. The exemption provided in this subsection extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents; (Section 7(1)(f) of FOIA)

F) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested; (Section 7(1)(g) of FOIA)- including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this subsection shall be construed to prevent a person or business from consenting to disclosure;

G) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made; (Section 7(1)(h) of FOIA)

H) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this subparagraph (H) does not extend to requests made by new media as defined in Section 1828.102 of this Part when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public; (Section 7(1)(i) of FOIA)
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I) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment;

II) Architects' plans and engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security; (Section 7(1)(k) of FOIA)

JK) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act; (Section 7(1)(l) of FOIA)

KL) Communications between the Agency, a public body and an attorney or auditor representing the Agency, a public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for the Agency, a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the Agency, a public body, and materials prepared or compiled with respect to internal audits of public bodies; (Section 7(1)(m) of FOIA)

L) Records relating to the Agency's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed; (Section 7(1)(n) of FOIA)

M) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of
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computerized systems, employee manuals, and any other
information that, if disclosed, would jeopardize the security of the
system or its data or the security of materials exempt under this
Section; (Section 7(1)(o) of FOIA)

N) Records/Documents or materials relating to collective negotiating
matters between public bodies and their employees or
representatives, except that any final contract or agreement shall
be subject to inspection and copying; (Section 7(1)(p) of FOIA)

O) Test questions, scoring keys, and other examination data used to
determine the qualifications of an applicant for a license or
employment; (Section 7(1)(q) of FOIA) Drafts, notes,
recommendations and memoranda pertaining to the financing and
marketing transactions of the public body. The records of
ownership, registration, transfer, and exchange of municipal debt
obligations, and of persons to whom payment with respect to these
obligations is made;

P) The records, documents and information relating to real estate
purchase negotiations until those negotiations have been
completed or otherwise terminated. With regard to a parcel
involved in a pending or actually and reasonably contemplated
eminent domain proceeding under the Eminent Domain Act [735
ILCS 30] Article VII of the Code of Civil Procedure, records,
documents and information relating to that parcel shall be exempt
except as may be allowed under discovery rules adopted by the
Illinois Supreme Court. The records, documents and information
relating to a real estate sale shall be exempt until a sale is
consummated; (Section 7(1)(r) of FOIA) and

Q) Information related solely to the internal personnel rules and
practices of a public body;

R) Information the disclosure of which is restricted under Section 5-
408 of the Public Utilities Act;

S) Firm performance evaluations under Section 55 of the
Architectural, Engineering, and Land Surveying Qualifications
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Based Selection Act; and

Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act [5 ILCS 175] (Section 7(1)(u) of FOIA); or

2) Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

A) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700];

B) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act [5 ILCS 430], and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act;

C) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525]; and

D) Information prohibited from being disclosed by the Personnel Records Review Act. [820 ILCS 40]

2) Public records that are exempt from disclosure pursuant to Section 7 of the Act.

b) In determining whether a public record is exempt from disclosure, the Agency shall follow the procedures set forth in Subpart D of this Part.

c) A public record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a public
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_record of the Agency, for purposes of this Part. (Section 7(2) of FOIA)_

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

SUBPART C: PROCEDURES FOR REQUESTING
PUBLIC RECORDS FROM THE AGENCY

Section 1828.301 Submittal of Requests for Public Records

_a) Any request for public records should be submitted to the FOI Officer in the applicable FOIA sector or sectors at the Agency. The Agency has 56 FOIA sectors, located in the Bureau of Air, Bureau of Land (which also handles noise-related matters), Bureau of Water, Division of Public Water Supplies, Office of Emergency Response, Chemical Safety, and Division of Legal Counsel. If a requester seeks public records from more than one FOIA sector, a separate written request for the public records should be submitted to each applicable FOIA sector. If a requester is uncertain as to which FOIA sector may possess the public records, the written request should be submitted to the Director’s Office. The requester may use an internet form, which can be found at www.epa.state.il.us/foia if such a form is available. Written requests should be sent to:

Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
Attn:__________, FOIA Sector
E-mail Address: FOIA@epa.state.il.us

b) FOIA requests may be submitted via U.S. Mail, e-mail, fax, or hand delivery. Requests that are sent via U.S. Mail or hand delivery should be sent to:

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Attn:__________, FOIA Sector

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)
Section 1828.302  Form of Requests for Public Records

Unless a request for public records is made in person, requests for public records must be made in writing. Requests should state that the public records are being sought under the provisions of FOIA. Written requests may be sent by U.S. mail, facsimile, telefax, special carrier, or electronic transmittal via the Agency's interactive web form.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.303  Information To Be Provided in Requests for Public Records

A request for public records should include:

a) The complete name, mailing address and telephone number of the requester;

b) As specific a description as possible of the public records sought. Requests that the Agency considers overly broad or categorical may be denied in accordance with Section 1828.502 (See Section 3(g) of FOIA);

c) A statement as to the requested medium and format for the Agency to use in providing the public records sought for example, paper, specific types of digital or magnetic media, or videotape;

d) A statement as to the requested manner for the Agency to use in providing the public records sought for example, for inspection at Agency headquarters in Springfield or by providing copies;

e) A statement as to whether the requester needs certified copies of all or any portion of the public records, including a reference to the specific documents that require certification; and

f) At the written request of the Agency prior to obtaining the public records, additional information to insure the proper management and tracking of the public record and the efficient administration of this Part, including but not limited to requester identification codes and reason for the FOIA request. The Agency may only ask the requester for the purpose of the request in order to determine whether the records are requested for a commercial purpose or whether to grant a request for a fee waiver.
Section 1828.304 Requests for Public Records Relating to Pending Litigation (Repealed)

If the request relates to information that is the subject of pending proceedings before the Board or the courts, the Agency will request that the requester give to the Agency notice of service of the request on all parties to the proceeding before the Agency will respond. This Section shall not apply to rulemaking proceedings before the Board under the Act except adjusted standard proceedings.

(Source: Repealed at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.305 Requests for Public Records To Be Used for Commercial Purposes

a) The Agency shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:

1) Provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;

2) Deny the request pursuant to one or more of the exemptions set out in Section 1828.202 of this Part;

3) Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or

4) Provide the records requested.

b) Unless the records are exempt from disclosure, the Agency shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

c) It is a violation of FOIA for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the Agency. (Section 3.1 of FOIA)
Section 1828.401 Claims by Submitters that Public Records are Exempt from Disclosure

a) A claim that a public record is exempt from public disclosure pursuant to Section 1828.202 must be made at the time of submittal of the public record.

b) A claim that a public record is exempt from public disclosure must include:

1) A claim letter, stating that the public record is exempt from public disclosure pursuant to Section 1828.202, identifying all exemptions that apply, and briefly describing the public record;

2) A justification for the claim, including:

A) If the public record is a subsequent version of a public record previously granted exempt status by the Agency, a certified statement indicating:

i) The date of submission of the previous public record; and

ii) That the previous justification remains applicable to the current submission; or

B) If the submittal is not a subsequent version of a public record previously granted exempt status by the Agency, the following information:

i) Measures taken by the submitter to prevent disclosure of the public record;

ii) The rights of privacy, if any, that might be an unwarranted invasion of personal privacy invaded by disclosure of the public record;

iii) The competitive value, if any, of the public record to the
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submitter; and

iv) Any other information that will support the claim for exemption from disclosure;

3) A copy of the public record, marked in accordance with the requirements of subsection (c) of this Section; and

4) If the submitter is currently a party in a proceeding before the Board or a court in which the information is relevant to the issues, the title of the proceeding, docket number, and, if applicable, identification of the court.

c) The submitter must mark a public record or portions thereof claimed exempt from disclosure as follows:

1) Where the public record is claimed to be exempt from disclosure in its entirety, mark the public record with the words "Public Record Claimed Exempt" in red ink on the face or front of the public record. If submitted in electronic format, the public record must be clearly marked in bold at the top or front of the public record with the words "Public Record Claimed Exempt"; or

2) Where less than the entire public record is claimed to be exempt from disclosure:

A) Mark the public record with the words "Public Record Claimed Exempt – in Part" in red ink on the face or front of the public record. If submitted in electronic format, the public record must be clearly marked in bold at the top or front of the public record with the words "Public Record Claimed Exempt – in Part";

B) Indicate on the face or beginning of the public record which portion of the public record is claimed to be exempt from disclosure;

C) Mark every portion of the public record which is claimed to be exempt from disclosure with the words "Public Record Claimed Exempt"; and
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D) Furnish the Agency with a second copy of the public record that is marked in accordance with (A) and (B) of this subsection and from which the portion of the public record that is claimed to be exempt from disclosure is deleted.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.403 Agency Actions Following a Determination that a Public Record is Not Exempt from Disclosure

a) If the Agency determines, in response to a claim of exemption from disclosure, that no exemption applies, the Agency shall deny the claim and shall give written notice of such denial to the submitter of the public record pursuant to subsection (b) of this Section.

b) Written notice of the denial of a claim of exemption from disclosure shall be by certified mail, return receipt requested, and shall contain the following information:

1) The name and title or position of the person responsible for the determination;

2) A statement of the Agency's reason for denying the claim;

3) A notification of the availability of review of the Agency's decision pursuant to the procedures prescribed in Section 1828.405; and

4) A notification that the Agency will cease protecting the public record or the portion claimed exempt from disclosure unless the Agency is served with notice of the filing of a petition for review, pursuant to the procedures prescribed in Section 1828.405, within 35 days from the date of notice to the submitter.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.405 Review of Agency Determination

a) A submitter who is adversely affected, in whole or in part, by a determination of the Agency pursuant to this Subpart Part may appeal the denial, within 35 days of
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the date of the Agency's final determination, to the Director of the Agency by filing a notice of appeal.

b) The notice of appeal:

1) must be made in writing;

2) must be clearly marked "APPEAL OF CLAIM OF EXEMPTION FROM DISCLOSURE"; and

3) must include a copy of the denial received by the submitter and a statement of the reasons that the claim should be granted on appeal.

c) Within 7 working days after receipt of a written notice of appeal, the Director shall notify the submitter, by certified mail, return-receipt requested, either that the Agency's denial has been confirmed or that the submitter's claim of exemption from disclosure is granted.

d) In reviewing the decision, the Director shall consider:

1) Whether the procedures in this Subpart have been correctly applied; and

2) Whether additional information available to the Director supports exempting the public record from disclosure.

e) If the Director confirms the Agency's denial, the submitter may petition the Circuit Court for review within 35 days of the date of the Director's final determination.

f) In instances of a contemporaneous claim of exemption from disclosure and FOIA request, the Agency, if properly served with notice of the filing of a petition for review of its determination on the claim of exemption from disclosure, shall notify the requester of such action.

g) The Agency shall continue to protect the public record or the portion thereof that is claimed exempt from disclosure pending the exhaustion or lapse of the appeal rights of the submitter.
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(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

SUBPART E: AGENCY RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section 1828.501  Timeline for Agency Response

a) Except as stated in subsection (b) or (c) below, the Agency will respond to any written request for public records within 5 business days after its receipt. Failure to comply with a request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Agency fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested public records, it may not impose a fee for such copies. If the Agency fails to respond to a request received, it may not treat the request as unduly burdensome under Section 1828.502. (Section 3(d)(e) of FOIA) A written request from the Agency to provide additional information pursuant to Section 1828.303(f) shall be considered a response to the FOIA request.

b) The time limits prescribed in subsection (a) of this Section may be extended for not more than 5 business days from the original due date for any of the following reasons:

1) The requested records are stored in whole or in part at other locations than the office having charge of the requested records;

2) The request requires the collection of a substantial number of specified records;

3) The request is couched in categorical terms and requires an extensive search for the records responsive to it;

4) The requested records have not been located in the course of routine search and additional efforts are being made to locate them;

5) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be
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revealed only with appropriate deletions;

6) The request for records cannot be complied with by the Agency within the time limits prescribed by subsection (a) of this Section without unduly burdening or interfering with the operations of the Agency; or

7) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(c)(d) of FOIA)

c) The person making a request and the Agency may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Agency agree to extend the period for compliance, a failure by the Agency to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)

d) When additional time is required for any of the reasons set forth in subsection (b) of this Section, the Agency shall, within 5 business days after receipt of the request, notify the person making the written request within the time limits specified in subsection (a) of this Section of the reasons for the extension and the date by which the records will be made available or denial will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Agency fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Agency requests an extension and subsequently fails to respond to the request, it may not treat the request as unduly burdensome under Section 1828.502. In no instance, may the delay in processing last longer than 7 working days. A failure to render a decision within 7 working days shall be considered a denial of the request. (Section 3(f)(e) of FOIA)

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.502 Requests for Public Records that the Agency Considers Unduly Burdensome
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a) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the Agency and there is no way to narrow the request and the burden on the Agency outweighs the public interest in the information. Before invoking this exemption, the Agency shall extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g)(f) of FOIA). The amended request must be in writing.

b) If the Agency determines that a request is unduly burdensome, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Agency. Such a response shall be treated as a denial of the request for information. (Section 3(g)(f) of FOIA)

c) Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Part for the same public records by the same person shall be deemed unduly burdensome. (Section 3(g)(f) of FOIA).

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.504 Denials of Requests for Public Records

a) The Agency shall deny requests for public records when:

1) Compliance with the request would be unduly burdensome on the Agency, as determined pursuant to Section 1828.502, and the requester has not reduced the request to manageable proportions;

2) The public records are exempt from disclosure pursuant to FOIA or Section 7 of the Act; or

3) The public records are not available for inspection pursuant to 2 Ill. Adm. Code 13035 Ill. Adm. Code 120 (Identification and Protection of Trade Secrets);

b) Where Section 1828.303(f) applies, the Agency may deny requests for public records when:
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1) The requester fails to respond to an Agency request for additional information within 10 business days after the date of the Agency's request; or

2) The requester fails to provide sufficient information in response to the Agency's request.

c) The denial of a request for public records must be in writing by certified mail, return receipt requested. The notification shall include:

1) A description of the public records denied, the reason for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial and the names and titles or positions of each person responsible for the denial (Section 9(a) of FOIA);

2) Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor (Section 9(a) of FOIA); and

3) When a request for public records is denied on the grounds that the records are exempt under Section 7 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority (Section 9(b) of FOIA); and

3) A statement advising the requester of the right to appeal the denial by sending a written notice of appeal to the Director of the Agency in accordance with Section 1828.505.

d) Unless the Agency has given written notice pursuant to Section 1828.501(d)(e), a requester may treat the Agency's failure to provide the public records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor or appeal to the Director.

e) If the Agency has given written notice pursuant to Section 1828.501(d)(e), failure to respond to a written request within the time permitted for extension 14 working days,
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days of receipt of the request may be treated as a denial for purposes of the right to review by the Public Access Counselor appeal to the Director.

f) Any person making a request for public records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Agency fails to act within the time periods provided in Section 1828.501 of this Part. (Section 9(c) of FOIA)

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.505 Requests for Review Appeals of Denials – Public Access Counselor

a) A person whose request to inspect or copy a public record is denied by the Agency may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review must be in writing, signed by the requester, and include:

1) a copy of the request for access to records; and

2) any responses from the Agency. (Section 9.5(a) of FOIA)

b) If the Agency receives a request for records and asserts that the records are exempt under Section 1828.202(a)(1)(C) or Section 1828.202(a)(1)(E) of this Part, it shall, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

1) a copy of the request for access to records;

2) the proposed response from the Agency; and

3) a detailed summary of the Agency's basis for asserting the exemption. (Section 9.5(b) of FOIA)

c) Upon receipt of a notice of intent to deny from the Agency, the Public Access Counselor shall determine whether further inquiry is warranted. The Public Access Counselor will process the notification of intent to deny as detailed in Section 9.5(b) of FOIA. Times for response or compliance by the Agency under
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Section 1828.501 of this Part shall be tolled until the Public Access Counselor concludes his or her inquiry. (Section 9.5(b) of FOIA)

d) Within 7 working days after receipt of the request for review, the Agency shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)

e) Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Agency may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)

f) The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the Agency. (Section 9.5(d) of FOIA)

g) In addition to the request for review, and the answer and response thereto, if any, a requester or the Agency may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)

h) A binding opinion from the Attorney General pursuant to Section 9.5(f) of FOIA shall be binding upon both the requester and the Agency, subject to administrative review under Section 1828.506 of this Part. (Section 9.5(f) of FOIA)

i) If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)

j) Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Agency shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 1828.506 of this Part. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 1828.506 of this Part. (Section 9.5(f) of FOIA)
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k) If the Agency discloses records in accordance with an opinion of the Attorney General, the Agency is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)

l) If the requester files suit under Section 1828.506 of this Part with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the Agency. (Section 9.5(g) of FOIA)

m) The Attorney General may also issue advisory opinions to the Agency regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Director of the Agency or the Agency's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Agency in order to assist in the review. If the Agency relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Agency is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)

a) A requester whose request has been denied by the Agency may appeal the denial to the Director of the Agency by filing a notice of appeal.

b) The notice of appeal:

1) must be made in writing;

2) must be clearly marked "APPEAL OF FOIA REQUEST DENIAL"; and

3) must include a copy of the original request, a copy of the denial received by the requester and a statement of the reasons that the request should be granted on appeal.

c) The notice of appeal should be postmarked within 30 days of the date of mailing of the denial letter. If no written denial is issued, the notice of appeal should be postmarked within 30 days of the date that the final decision was due.
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d) Within 7 working days after receipt of a written notice of appeal of the Agency's denial of the request, the Director shall notify the requester, by certified mail, return receipt requested, either that the Agency's denial has been confirmed or that the requested public records will be available at some indicated time and place.

e) In reviewing the decision, the Director shall consider:

1) Whether the procedures in this Part have been correctly applied; and

2) Whether additional information available to the Director supports disclosure of the information to the requester.

f) If the Director confirms the Agency's denial of the request, the requester may file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.506 Right to Review in Circuit Court

In addition to a requester's right to review by the Public Access Counselor, a requester also has a right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA. However, if the requester files suit in Circuit Court, the requester shall also give notice to the Public Access Counselor, as is required in Section 1828.505(l).

(Source: Added at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.507 Administrative Review

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook or Sangamon County. An advisory opinion issued to the Agency shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)
SUBPART F: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section 1828.601 Inspection of Public Records at the Agency

a) Public records may be made available for personal inspection at the Agency's headquarters office located at 1021 North Grand Avenue East, Springfield, Illinois or may be provided in duplicate forms including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.

b) The Agency will provide public records in requested formats or media only if the public records are kept in those formats or media at Agency headquarters. When a person requests a copy of a record maintained in an electronic format, the Agency shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Agency shall furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester. (Section 6(a) of FOIA)

c) A requester may inspect public records at the Agency's headquarters by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place during normal business hours, which are 8:30 AM to 5:00 PM Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment.

d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time.

e) The requester will have access only to the designated inspection area at the Agency's headquarters.

f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.

g) The requester shall segregate and identify the documents to be copied during the
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course of the inspection. The requester shall copy the documents at the Agency's headquarters or arrange for the copying of the documents at the Agency's headquarters by an outside service.

h) Prior to inspecting records, the Agency may require the requester to provide a photo identification card prior to releasing the public records.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

Section 1828.602 Fees for Public Records

a) In accordance with Section 1828.603, unless a fee is otherwise fixed by statute, the Agency may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the Agency to copy records. No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page. If the Agency provides copies in color or in a size other than letter or legal, the Agency may not charge more than its actual cost for reproducing the records. In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency shall not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records, and shall not exceed the actual cost of reproduction and certification (Section 6(b) of FOIA).

b) The Agency will provide copies of public records and certifications of public records in accordance with the fee schedule set forth in Section 1828. Appendix A.

c) In order to expedite the copying of public records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 1828.501, the requester may provide, at the requester's expense, the copy machine, all necessary materials and the labor to copy the public records at the Agency headquarters in Springfield, Illinois.

d) Copies of public records will be provided to the requester only upon payment of any fees due. The Agency may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Agency may not charge the requester for the costs of any search for and
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*review of the records or other personnel costs associated with reproducing the records.* Payment must be by check or money order sent to the Agency, payable to "Treasurer, State of Illinois." *(Section 6(a) of FOIA)*

e) If a contractor is used to inspect or copy public records, the following procedures shall apply:

1) The requester rather than the Agency must contract with the contractor;
2) The requester is responsible for all fees charged by the contractor;
3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
4) Only Agency personnel may provide public records to the contractor;
5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the public records before providing the public records to the contractor; and
6) The requester must provide to the Agency the contractor's written agreement to hold the public records secure, to copy the records only for the purpose stated by the requester, and to return the records at a specified date and time.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)

**Section 1828.603 Reduction and Waiver of Fees**

a) Fees may be reduced or waived by the Agency if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Agency shall consider the following:

1) Whether the *principal* purpose of the request is to disseminate information regarding the health, safety and welfare or the legal rights of the general public; and
2) Whether the *principal* purpose of the request is personal or
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commercial benefit. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public (Section 6(c)(b) of FOIA).

b) Public records will be provided without charge to federal, state, and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.

c) Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of public records when furnished in a paper format shall not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)
ENVIRONMENTAL PROTECTION AGENCY

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Section 1828. APPENDIX A  Fee Schedule for Duplication and Certification of Public Records

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<th>TYPE OF DUPLICATION</th>
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<td>Paper copy from original, up to and including 50 copies of black and white, letter</td>
<td>No charge</td>
</tr>
<tr>
<td>or legal sized copies 400 copies</td>
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</tr>
<tr>
<td>Paper copy from original, in excess of 50 copies of black and white, letter or</td>
<td>$.15/page $.25/page</td>
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<tr>
<td>legal sized copies 400 copies</td>
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<td>Paper copy from microfilm original</td>
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<tr>
<td>Microfilm diazo from original</td>
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<td>VHS video copy</td>
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<td></td>
<td>Cost of tape</td>
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<tr>
<td>Audio tape copy</td>
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<td>Cost of reproduction</td>
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<td>Paper copies in color or in a size other than letter or legal</td>
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<tr>
<td>Certification fee</td>
<td>$1.00/record</td>
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NOTE: Expense for delivery other than by First Class U.S. Mail United States mail first class must be borne by the requester.

(Source: Amended at 34 Ill. Reg. 9028, effective June 22, 2010)
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

1) **Heading of Part:** Accreditation of Environmental Laboratories

2) **Code Citation:** 35 Ill. Adm. Code 186

3) **Section Number:** 186.115
   **Adopted Action:** Amendment

4) **Statutory Authority:** Section 4(n) and Section 4(o) of the Environmental Protection Act [415 ILCS 5/4(n) and (o)]

5) **Effective Date of Rulemaking:** June 24, 2010

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for inspection.

9) **Notice of Proposal Published in Illinois Register:** February 19, 2010; 34 Ill. Reg. 2603

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** Tracking of changes at subsection 186.115(a)(1) and (a)(2) for insertion of parenthesis, and at (a)(2) for deletion of comma.

12) **Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

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

14) **Are there any rulemakings pending on this Part?** No

15) **Summary and Purpose of Rulemaking:** Amendments to 35 Ill. Adm. Code 186 to update the incorporations by reference at Section 186.115 to reflect the editions and federal regulations that are currently being used to accredit environmental laboratories.

16) **Information and questions regarding the adopted amendment shall be directed to:**
NOTICE OF ADOPTED AMENDMENT

Stephanie Flowers, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

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

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 186
ACCREDITATION OF ENVIRONMENTAL LABORATORIES

Section
186.105 Purpose
186.110 Scope and Applicability
186.115 Incorporation by Reference
186.120 Definitions
186.125 Application Process (Repealed)
186.130 Accreditation Procedures and References to Accreditation (Repealed)
186.135 On-Site Evaluations (Repealed)
186.140 Personnel Requirements (Repealed)
186.145 Laboratory Equipment and Materials (Repealed)
186.150 Laboratory Facilities (Repealed)
186.155 Calibration (Repealed)
186.160 Quality Assurance/Quality Control (Repealed)
186.165 Quality Assurance Plan (Repealed)
186.170 Performance Evaluation Sample Testing (Repealed)
186.175 Performance Evaluation Testing Programs (Repealed)
186.180 Fields of Testing
186.185 Sample Acceptance and Receipt (Repealed)
186.190 Record Keeping, Sample Tracking and Reporting (Repealed)
186.195 Subcontracting (Repealed)
186.200 Reciprocity (Repealed)
186.205 Acceptance of Out-of-State Accreditation (Repealed)
186.210 Suspension, Revocation and Denial of Accreditation (Repealed)
186.215 Hearing, Decision and Appeal
186.220 Confidential Documents
186.225 Severability
186.230 On-site Assessment and Proficiency Testing Laboratory Expenses
186.APPENDIX A Required Method Detection Limits (MDL) or Pattern Recognition Levels (PRL) for Drinking Water Laboratory Accreditation (Repealed)

AUTHORITY: Implementing and authorized by Section 1401(1)(D) of the Safe Drinking Water Act [42 USC 300f(1)(D)], Subpart C of the National Interim Primary Drinking Water
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Regulations [40 CFR 141.21 through 141.30], the Clean Water Act [32 USC 1251], the Illinois Environmental Protection Act [415 ILCS 5], and authorized by Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)].


Section 186.115 Incorporation by Reference

a) The Agency incorporates the following documents by reference.

1) EPA/600/R-04/003, "National Environmental Laboratory Accreditation Conference: Constitution, Bylaws, and Standards" (July 2003); and


b) The Agency incorporates the following Sections of federal regulations by reference:

1) 40 CFR 136.3 Table IC, Table IB, Table ID (20022001),


3) 40 CFR 136.5 (2002)(2001),


6) 40 CFR 136 Appendix C (2002)(2001),
ENVIRONMENTAL PROTECTION AGENCY

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2) 40 CFR 141.23(k) (2002)(2001),

40 CFR 141.24(e) (2002)(2001),


40 CFR 141.27 (2002)(2001),

40 CFR 143.4 (2002)(2001),

40 CFR 141.40(n)(11) (2002)(2001), and


40 CFR 141 and 143 Final Rule June 29, 2009: "National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts and Changes in References to Analytical Methods",


c) This Section incorporates no later amendments or editions.

(Source: Amended at 34 Ill. Reg. 9064, effective June 24, 2010)
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Definitions and General Provisions

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

3) **Section Numbers:**
   - 211.1000   New
   - 211.1745   New
   - 211.1878   New
   - 211.1885   Amend
   - 211.2358   New
   - 211.2359   New
   - 211.2368   New
   - 211.2615   New
   - 211.2830   Amend
   - 211.2840   New
   - 211.2965   New
   - 211.3215   New
   - 211.3305   New
   - 211.3555   New
   - 211.3705   New
   - 211.3707   New
   - 211.4065   Amend
   - 211.5335   New
   - 211.5535   New
   - 211.5585   New
   - 211.5860   New
   - 211.5875   New
   - 211.5885   New
   - 211.6405   New
   - 211.6425   New
   - 211.6535   New
   - 211.7290   Amend

4) **Statutory Authority:** Implementing Section 9, 9.1, 9.9, and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27]

5) **Effective Date of Amendments:** June 25, 2010

6) **Does this rulemaking contain an automatic repeal date?** No
POLLUTION CONTROL BOARD

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7) Does this rulemaking contain incorporations by reference? No

8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and are available there for public inspection.


10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

In proceeding from its first notice proposal amending Part 211 to final adoption in this rulemaking docket, the Board has not made changes.

The Board's opinion and order adopting these rules summarizes revisions to Part 211. See Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218 and 219, R10-8 (June 17, 2010). Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Board docket number R10-8 in your request. The Board order is also available through the Board's Web site (www.ipcb.state.il.us).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.

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

14) Are there any amendments pending on this Part? Yes

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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211.6063  New   34 Ill. Reg. 4281; April 2, 2010
211.6065  New   34 Ill. Reg. 4281; April 2, 2010
211.6400  Amended  34 Ill. Reg. 4281; April 2, 2010
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211.6460  New   34 Ill. Reg. 4281; April 2, 2010
211.6585  New   34 Ill. Reg. 4281; April 2, 2010
211.6640  New   34 Ill. Reg. 4281; April 2, 2010
211.6670  Amended  34 Ill. Reg. 4281; April 2, 2010
211.6690  Amended  34 Ill. Reg. 4281; April 2, 2010
211.6720  Amended  34 Ill. Reg. 4281; April 2, 2010
211.6740  New   34 Ill. Reg. 4281; April 2, 2010
211.6780  New   34 Ill. Reg. 4281; April 2, 2010
211.6825  New   34 Ill. Reg. 4281; April 2, 2010
211.6885  New   34 Ill. Reg. 4281; April 2, 2010
211.7220  New   34 Ill. Reg. 4281; April 2, 2010
211.7240  New   34 Ill. Reg. 4281; April 2, 2010

15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, please see the Board's June 17, 2010, opinion and order adopting these rules. *Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218 and 219, R10-8* (June 17, 2010). The Illinois Environmental Protection Agency (Agency) filed this rulemaking proposal to meet Illinois' obligation to submit a State Implementation Plan addressing requirements under Sections 172 and 182 of the federal Clean Air Act, 42 U.S.C. § 7401 et seq., for sources of volatile organic material emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. The United States Environmental Protection Agency (USEPA) issued Control Techniques Guidelines (CTGs) for the following Group II Consumer and Commercial Product Categories: industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials. In the CTGs, the USEPA recommended measures that it believes constitute reasonably available control technology for those product categories. The Board amends Part 211 in order to amend and adopt definitions as necessitated by the amendments to Parts 218 and 219 adopted in the same rulemaking docket.

16) Information and questions regarding these adopted amendments shall be directed to:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Timothy J. Fox
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL  60601

312/814-6085
foxt@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R10-8 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

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211. Appendix A Rule into Section Table
211. Appendix B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS


SUBPART B: DEFINITIONS

Section 211.1000 Class II Finish

"Class II Finish" means a finish that meets the specifications of Voluntary Product Standard PS-59-73, as approved by the American National Standards Institute.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.1745 Digital Printing

"Digital Printing" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, the transfer of electronic files directly from a computer to an electronically driven output device that prints the image directly on the selected media (substrate). Printing using home and office equipment is excluded from this definition.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.1878 Electrical Apparatus Component

"Electrical Apparatus Component" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, an internal component such as wires, windings, stators, rotors, magnets, contacts, relays, energizers, and connections in an apparatus that generates or transmits electrical energy, including, but not limited to, alternators, generators, transformers, electric motors, cables, and circuit breakers, except for the actual cabinet in which the components are housed. Electrical
components of graphic arts application equipment and hot-line tools are also included in this category.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.1885  Electronic Component

"Electronic Component" means, for the purposes of 35 Ill. Adm. Code 218.182(f), and 219.182(f), 218.187, and 219.187, all portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters, except for the actual cabinet in which the components are housed.

(Source: Amended at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.2358  Flat Wood Paneling

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

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.2359  Flat Wood Paneling Coating Line

"Flat Wood Paneling Coating Line" means a coating line in which any protective, decorative, or functional coating is applied to flat wood paneling.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.2368  Flexible Packaging

"Flexible Packaging" means any package or part of a package, the shape of which can be readily changed. Flexible packaging includes, but is not limited to, bags, pouches, liners, and wraps utilizing paper, plastic, film, aluminum foil, metalized or coated paper or film, or any combination of these materials. Shrink-wrap labels or wrappers (but not self-adhesive labels) printed on or in-line with a flexible packaging printing press are also considered to be flexible packaging. Flexible packaging does not include folding cartons, gift wraps, hot stamp foils, wall coverings, vinyl products, decorative laminates, floor coverings, or tissue products.
Section 211.2615 General Work Surface

"General Work Surface" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, an area of a medical device or pharmaceutical manufacturing facility where solvent cleaning is performed on work surfaces, but for which cleaning specifications are not required to be maintained in accordance with criteria and procedures established to meet requirements of the United States Food and Drug Administration and/or other applicable regulatory agencies with authority over manufacturing operations for medical devices and/or pharmaceuticals. General work surfaces shall not include items defined under "Janitorial Cleaning".

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.2830 Heatset

"Heatset" means a class of lithography or letterpress that requires a heated dryer to solidify the printing inks.

(Source: Amended at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.2840 Heatset Web Letterpress Printing Line

"Heatset Web Letterpress Printing Line" means a letterpress printing line in which a continuous roll of substrate is fed through the printing press and an oven is used to solidify the printing inks.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.2965 High Precision Optic

"High Precision Optic" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, an optical element used in an electro-optical device that is designed to sense, detect, or transmit light energy, including specific wavelengths of light energy and changes in light energy levels.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.3215 Janitorial Cleaning
"Janitorial Cleaning" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, the cleaning of building or facility components, including, but not limited to, floors, ceilings, walls, windows, doors, stairs, bathrooms, furnishings, and exterior surfaces of office equipment, and excludes the cleaning of work areas where manufacturing or repair activity is performed.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.3305 Letterpress Printing Line

"Letterpress Printing Line" means a web or sheetfed printing line that does not constitute a flexographic printing line, in which the image area is raised relative to the non-image area and the ink is transferred to the substrate directly from the image surface.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.3555 Maintenance Cleaning

"Maintenance Cleaning" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, a solvent cleaning operation or activity carried out to ensure that general work areas where manufacturing or repair activity is performed remain clean, and to clean tools, machinery, molds, forms, jigs, and equipment. This definition does not include the cleaning of coatings, adhesives, or ink application equipment.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.3705 Medical Device

"Medical Device" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar article, including any component or accessory, that meets one or more of the following conditions:

a) it is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease;

b) it is intended to affect the structure or any function of the body; or

c) it is defined in the National Formulary or the United States Pharmacopeia, or any supplement to them.
Section 211.3707  Medical Device and Pharmaceutical Manufacturing

"Medical Device and Pharmaceutical Manufacturing" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, the collection of equipment and activities to prepare, utilize, maintain, and repair work areas, in order to accomplish one or more steps in preparing a medical device or pharmaceutical for its intended use. Manufacturing is typically, but not always, conducted in accordance with criteria and procedures established to meet requirements of the United States Food and Drug Administration and/or other applicable regulatory agencies with authority over manufacturing operations for global sales of medical devices and/or pharmaceuticals. Work areas and equipment shall include all machinery, tools, equipment, rooms, tables, countertops, and facilities for maintaining employee health and safety that are subject to such criteria and procedures.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.4065  Non-Heatset

"Non-heatset" means a class of lithography or letterpress that does not require a heated dryer to solidify the printing inks. Ultraviolet-cured and electron beam-cured inks are considered non-heatset.

(Source: Amended at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.5335  Radiation Effect Coating

"Radiation Effect Coating" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, a coating or coating system engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared, or microwave regions. Uses include, but are not limited to, lightning strike protection, electromagnetic pulse protection, and radar avoidance. Coatings that have been designated "classified" by the Department of Defense are not included in this definition.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.5535  Repair Cleaning
"Repair Cleaning" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, a solvent cleaning operation or activity carried out during a repair process.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

**Section 211.5585 Research and Development Operation**

"Research and Development Operation" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, an operation whose purpose is for research and development of new processes and products, that is conducted under the close supervision of technically trained personnel, and that is not involved in the manufacture of final or intermediate products for commercial purposes, except in a de minimis manner.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

**Section 211.5860 Scientific Instrument**

"Scientific Instrument" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, an instrument, including the components, assemblies, and subassemblies used in their manufacture, and associated accessories and reagents that are used for the detection, measurement, analysis, separation, synthesis, or sequencing of various compounds.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

**Section 211.5875 Screen Printing**

"Screen Printing" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, a process in which the printing ink passes through a taut screen or fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

**Section 211.5885 Screen Reclamation**

"Screen Reclamation" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, a solvent cleaning activity carried out in a screen printing operation in which the screen is completely cleaned and the stencil removed for recycling or reuse of the screen for other production runs.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)
Section 211.6405  Sterilization Indicating Ink

"Sterilization Indicating Ink" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, an ink that changes color to indicate that sterilization has occurred. Such ink is used to monitor the sterilization of medical instruments, autoclave efficiency, and the thermal processing of foods for prevention of spoilage.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.6425  Stripping


(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.6535  Surface Preparation

"Surface Preparation" means, for purposes of 35 Ill. Adm. Code 218.187 and 219.187, the removal of contaminants such as dust, soil, oil, and grease prior to coating, adhesive, or ink applications.

(Source: Added at 34 Ill. Reg. 9069, effective June 25, 2010)

Section 211.7290  Wood Furniture

"Wood furniture" means room furnishings, including cabinets (kitchen, bath and vanity), tables, chairs, beds, sofas, shutters, art objects, wood paneling other than flat wood paneling, wood flooring and any other coated furnishings made of wood, wood composition or fabricated wood materials.

(Source: Amended at 34 Ill. Reg. 9069, effective June 25, 2010)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

3) **Section Numbers:**

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

5) **Effective Date of Amendments:** June 25, 2010

6) **Does this rulemaking contain an automatic repeal date?** No
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

7) Do these amendments contain incorporations by reference? No

8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and are available there for public inspection.

9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 1791; February 5, 2010

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In proceeding from its first notice proposal to final adoption in this docket, the Board made changes proposed by the Illinois Environmental Protection Agency (Agency) and by consultants with Mostardi Platt Environmental (Mostardi Platt).

   1) In response to an Agency first notice comment filed February 17, 2010, the Board made clarifying non-substantive changes to Sections 218.187(a)(1) and 218.205(b)(1); corrected cross-references as necessitated by the re-formatting of Section 218.401(c)(1); and struck language in Sections 218.404(b)(1)(B) and (d)(1)(D) as addressed in a previous Agency motion to amend its original rulemaking proposal. The stricken text referred to the "instrument" by which the owner or operator "measured" the volume.

   2) In response to a comment by consultants with Mostardi Platt filed on April 9, 2010, and reflecting the Agency's concurrence in a comment filed April 26, 2010, the Board extended the Agency's original May 1, 2010 compliance date to August 1, 2010. In a comment filed on April 30, 2010, the Agency clarified that it had not proposed to extend the April 2, 2011 compliance date in provisions addressing industrial cleaning solvents.

The Board's opinion and order adopting these rules addresses changes made by the Board in proceeding from first notice to final adoption. See Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-8 (June 17, 2010).Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Board docket number R10-8 in your request. The Board's opinion and order is also available through the Board's Web site (www.ipcb.state.il.us).
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

15) **Summary and Purpose of Amendments:** For a more detailed description of this rulemaking, please see the Board's June 17, 2010, opinion and order. *Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-8* (June 17, 2010). The Illinois Environmental Protection Agency (Agency) filed this rulemaking proposal to meet Illinois’ obligation to submit a State Implementation Plan addressing requirements under Sections 172 and 182 of the federal Clean Air Act, 42 U.S.C. § 7401 et seq., for sources of volatile organic material emissions in areas designated as nonattainment with respect to the ozone National...
Ambient Air Quality Standard. The United States Environmental Protection Agency (USEPA) issued Control Techniques Guidelines (CTGs) for the following Group II Consumer and Commercial Product Categories: industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials. In the CTGs, the USEPA recommended measures that it believes constitute reasonably available control technology for those product categories. The Agency proposed to amend Part 218 to implement such recommendations for the Chicago nonattainment area.

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

Timothy J. Fox
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6085
foxt@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R10-8 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

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ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE CHICAGO AREA

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


SUBPART A: GENERAL PROVISIONS

Section 218.106 Compliance Dates

a) Except as otherwise provided in this Section or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of all rules is required by July 1, 1991, or September 1, 1991, for all sources located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties, consistent with the appropriate provisions of Section 218.103 of this Subpart.

b) Except as otherwise provided in this Section or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of this Part is required by November 15, 1993, for all sources located in Aux Sable Township or Goose Lake Township in Grundy County, or in Oswego Township in Kendall County.

c) All emission units which meet the applicability requirements of Sections 218.402(a)(2), 218.611(b), 218.620(b), 218.660(a), 218.680(a), 218.920(b), 218.940(b), 218.960(b) or 218.980(b) of this Part, including emission units at sources which are excluded from the applicability criteria of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a), or 218.980(a) of this Part by virtue of permit conditions or other enforceable means, must comply with the requirements of Subparts H, Z, AA, CC, DD, PP, QQ, RR or TT of this Part, respectively, by March 15, 1995. Any owner or operator of an emission unit which has already met the applicability requirements of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a) 218.980(a) of this Part on or by the effective date of this subsection is required to comply with all compliance dates or schedules found in Sections 218.106(a) or 218.106(b), as applicable.

d) Any owner or operator of a source with an emission unit subject to the
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requirements of Section 218.204(m)(2) or (m)(3) of this Part shall comply with those requirements by March 25, 1995.

e) Any owner or operator of a source subject to the requirements of Section 218.204(c)(2), 218.204(g)(2), or 218.204(h)(2) of this Part shall comply with the applicable requirements in the applicable subsections, as well as all applicable requirements in Sections 218.205 through 218.214 and 218.218, by May 1, 2011.

f) Any owner or operator of a source subject to the requirements of Section 218.204(p) of this Part shall comply with the requirements in Section 218.204(p), as well as all applicable requirements in Sections 218.205 through 218.211, 218.214, and 218.217 by August 1, 2010.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

SUBPART E: SOLVENT CLEANING

Section 218.181 Solvent Cleaning Degreasing Operations in General

The requirements of Sections 218.182, 218.183, 218.184, and 218.186 of this Subpart shall apply to all cold cleaning, open top vapor degreasing, and conveyorized degreasing operations which use volatile organic materials.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.187 Other Industrial Solvent Cleaning Operations

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

1) Except as provided in subsection (a)(2) of this Section, the requirements of this Section shall apply to all cleaning operations that use organic materials at sources that emit a total of 6.8 kg/day (15 lbs/day) or more of VOM from cleaning operations at the source, in the absence of air pollution control equipment. For purposes of this Section, "cleaning operation" means the process of cleaning products, product components, tools, equipment, or general work areas during production, repair, maintenance, or servicing, including but not limited to spray gun cleaning, spray booth cleaning, large and small manufactured components cleaning,
parts cleaning, equipment cleaning, line cleaning, floor cleaning, and tank cleaning, at sources with emission units;

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

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

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

ii) Janitorial cleaning;

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

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

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

i) Aerospace coating;

ii) Flexible package printing;

iii) Lithographic printing;

iv) Letterpress printing;

v) Flat wood paneling coating;

vi) Large appliance coating;

vii) Metal furniture coating;
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viii) Paper, film, and foil coating;
ix) Wood furniture coating;
x) Shipbuilding and repair coating;
xi) Plastic parts coating;
xii) Miscellaneous metal parts coating;
xiii) Fiberglass boat manufacturing;
xiv) Miscellaneous industrial adhesives; and
 xv) Auto and light-duty truck assembly coating;

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

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

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

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

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

v) Cleaning of medical device and pharmaceutical manufacturing facilities using no more than 1.5 gallons per day of solvents;

vi) Cleaning of adhesive application equipment used for thin metal laminating;
vii) Cleaning of electronic or electrical cables;
viii) Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached;
ix) Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery products using no more than three gallons per day of ethyl acetate;
x) Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings;
xi) Cleaning of application equipment used to apply solvent-borne fluoropolymer coatings;
xi) Cleaning of ultraviolet or electron beam adhesive application;
ixi) Cleaning of sterilization indicating ink application equipment if the facility uses no more than 1.5 gallons per day of solvents for such cleaning;
xiv) Cleaning of metering rollers, dampening rollers, and printing plates;
xv) Cleaning of numismatic dies; and
xvi) Cleaning operations associated with digital printing.

b) Material and Control Requirements. No owner or operator of a source subject to this Section shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in subsection (b)(1), (b)(2), or (b)(3):

1) The VOM content of the as-used cleaning solutions (minus water and any compounds that are specifically exempted from the definitions of VOM) does not exceed the following emissions limitations:

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

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td>Electrical apparatus components and electronic components</td>
<td>0.10</td>
</tr>
<tr>
<td>ii)</td>
<td>Medical device and pharmaceutical manufacturing</td>
<td>0.80</td>
</tr>
</tbody>
</table>

B) Repair and maintenance cleaning:

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td>Electrical apparatus components and electronic components</td>
<td>0.10</td>
</tr>
<tr>
<td>ii)</td>
<td>Medical device and pharmaceutical manufacturing tools, equipment, and machinery</td>
<td>0.80</td>
</tr>
<tr>
<td>iii)</td>
<td>Medical device and pharmaceutical manufacturing general work surfaces</td>
<td>0.60</td>
</tr>
</tbody>
</table>

C) Cleaning of ink application equipment:

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td>Rotogravure printing that does not print flexible packaging</td>
<td>0.10</td>
</tr>
<tr>
<td>ii)</td>
<td>Screen printing</td>
<td>0.50</td>
</tr>
<tr>
<td>iii)</td>
<td>Ultraviolet ink and electron beam ink application equipment, except screen printing</td>
<td>0.65</td>
</tr>
<tr>
<td>iv)</td>
<td>Flexographic printing that does not print flexible packaging</td>
<td>0.10</td>
</tr>
</tbody>
</table>
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D) All other cleaning operations not subject to a specific limitation in subsections (b)(1)(A) through (b)(1)(C) of this Section

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

3) An afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall. The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if such device reduces VOM emissions from the subject cleaning operation by at least 85 percent overall, the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for such control device, and such plan is approved by the Agency and USEPA within federally enforceable permit conditions.

e) The owner or operator of a subject source shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in subsection (g) of this Section and by complying with the recordkeeping and reporting requirements specified in subsection (e) of this Section.

d) Operating Requirements. The owner or operator of a source subject to the requirements of this Section shall comply with the following for each subject cleaning operation:

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

2) Minimize air circulation around the cleaning operation;

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

4) Utilize equipment practices that minimize emissions.
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e) Recordkeeping and Reporting Requirements

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

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

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

ii) Calculations that demonstrate that combined emissions of VOM from cleaning operations at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment;

B) Notify the Agency of any record that shows that the combined emissions of VOM from cleaning operations at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.

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

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

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

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

iii) If complying with the emissions control system requirement, what type of emissions control system will be used;
iv) Initial documentation that each subject cleaning operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;

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

vi) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 218.187(d); and

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

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

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

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

i) The name and identification of each cleaning solution;

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

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

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

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

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

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

i) The name and identification of each cleaning solution;

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

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

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

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are not prepared at the site but are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;
4) All sources complying with this Section pursuant to the requirements of subsection (b)(2) of this Section shall collect and record the following information for each cleaning solution used:

A) The name and identification of each cleaning solution;

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

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

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

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

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

A) By April 1, 2011, or upon initial start-up of the source, whichever is later, and upon initial start-up of a new emissions control system, include in the certification required by subsection (e)(3) of this Section a declaration that the monitoring equipment required under Section 218.187(f) of this Subpart has been properly installed and calibrated according to manufacturer's specifications;

B) If testing of an emissions control system is conducted pursuant to Section 218.187(g) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:
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i) A declaration that all tests and calculations necessary to demonstrate compliance with Section 218.187(b)(3) of this Subpart have been properly performed;

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

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

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

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

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

iii) A maintenance log for the emissions control system and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;

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

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

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

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

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

f) Monitoring Requirements

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

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

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

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

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

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

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

   B) The manufacturer's specifications for VOM content for cleaning solvents may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance;

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

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

   A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, Appendix A, incorporated by reference in Section 218.112 of this Part;
B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, Appendix A, incorporated by reference in Section 218.112 of this Part;

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

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

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

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

D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates;
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5) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 218.187(b)(3) of this Subpart as set forth in the owner's or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 218.187(b)(3) of this Subpart.

(Source: Added at 34 Ill. Reg. 9096, effective June 25, 2010)

SUBPART F: COATING OPERATIONS

Section 218.204 Emission Limitations

Except as provided in Sections 218.205, 218.207, 218.208, 218.212, 218.215 and 218.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as otherwise provided in subsections Section 218.204(c), 218.204(g), 218.204(h), and 218.204(l), compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition.

Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(c) of this Subpart except where noted.

(Note: The equation presented in Section 218.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.) The emission limitations are as follows:

<table>
<thead>
<tr>
<th>a)</th>
<th>Automobile or Light-Duty Truck Coating</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>Prime coat</td>
<td>0.14</td>
<td>(1.2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.14*</td>
<td>(1.2)*</td>
</tr>
<tr>
<td>2)</td>
<td>Primer surface coat</td>
<td>1.81</td>
<td>(15.1)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.81*</td>
<td>(15.1)*</td>
</tr>
</tbody>
</table>
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(Note: The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the primer surfacer limitation.)

<table>
<thead>
<tr>
<th>3) Topcoat</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.81</td>
<td>(15.1)</td>
<td></td>
</tr>
<tr>
<td>1.81*</td>
<td>(15.1)*</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>4) Final repair coat</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.58</td>
<td>(4.8 )</td>
<td></td>
</tr>
<tr>
<td>0.58*</td>
<td>(4.8)*</td>
<td></td>
</tr>
</tbody>
</table>

b) Can Coating

<table>
<thead>
<tr>
<th>1) Sheet basecoat and overvarnish</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Sheet basecoat</td>
</tr>
<tr>
<td>0.34</td>
</tr>
<tr>
<td>0.26*</td>
</tr>
</tbody>
</table>
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B) Overvarnish

<table>
<thead>
<tr>
<th>Coating Description</th>
<th>VOM/kg Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.34 (2.8)</td>
<td>0.34 (2.8)*</td>
<td></td>
</tr>
</tbody>
</table>

2) Exterior basecoat and overvarnish

<table>
<thead>
<tr>
<th>Coating Description</th>
<th>VOM/kg Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.34 (2.8)</td>
<td>0.25* (2.1)*</td>
<td></td>
</tr>
</tbody>
</table>

3) Interior body spray coat

A) Two piece

<table>
<thead>
<tr>
<th>Coating Description</th>
<th>VOM/kg Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.51 (4.2)</td>
<td>0.44* (3.7)*</td>
<td></td>
</tr>
</tbody>
</table>

B) Three piece

<table>
<thead>
<tr>
<th>Coating Description</th>
<th>VOM/kg Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.51 (4.2)</td>
<td>0.51* (4.2)*</td>
<td></td>
</tr>
</tbody>
</table>

4) Exterior end coat

<table>
<thead>
<tr>
<th>Coating Description</th>
<th>VOM/kg Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.51 (4.2)</td>
<td>0.51* (4.2)*</td>
<td></td>
</tr>
</tbody>
</table>

5) Side seam spray coat

<table>
<thead>
<tr>
<th>Coating Description</th>
<th>VOM/kg Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.66 (5.5)</td>
<td>0.66* (5.5)*</td>
<td></td>
</tr>
</tbody>
</table>

6) End sealing compound coat

<table>
<thead>
<tr>
<th>Coating Description</th>
<th>VOM/kg Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.44 (3.7)</td>
<td>0.44* (3.7)*</td>
<td></td>
</tr>
</tbody>
</table>

c) Paper Coating

1) Prior to May 1, 2011:

<table>
<thead>
<tr>
<th>VOM/kg Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.28</td>
<td>(2.3)</td>
</tr>
</tbody>
</table>

2) On and after May 1, 2011:

<table>
<thead>
<tr>
<th>VOM/kg Coatings Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.20</td>
<td>(0.067)</td>
</tr>
<tr>
<td>0.40</td>
<td>(0.08)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coating Description</th>
<th>VOM/kg Coatings Applied</th>
<th>VOM/lb VOM/lb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pressure sensitive tape and label surface coatings</td>
<td>0.20</td>
<td>(0.067)</td>
</tr>
<tr>
<td>All other paper coatings</td>
<td>0.40</td>
<td>(0.08)</td>
</tr>
</tbody>
</table>
3) The paper coating limitation set forth in this subsection (c) shall not apply to any owner or operator of any paper coating line on which flexographic, or rotogravure, lithographic, or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H Section 218.401 of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part. On and after May 1, 2011, the paper coating limitation shall also not apply to coating performed on or in-line with any digital printing press, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.

d) Coil Coating  

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.31</td>
<td>(2.6)</td>
</tr>
<tr>
<td></td>
<td>0.20*</td>
<td>(1.7)*</td>
</tr>
</tbody>
</table>

e) Fabric Coating  

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.35</td>
<td>(2.9)</td>
</tr>
<tr>
<td></td>
<td>0.28*</td>
<td>(2.3)*</td>
</tr>
</tbody>
</table>

f) Vinyl Coating  

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.45</td>
<td>(3.8)</td>
</tr>
<tr>
<td></td>
<td>0.28*</td>
<td>(2.3)*</td>
</tr>
</tbody>
</table>

g) Metal Furniture Coating  

1) Prior to May 1, 2011:  

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Air dried</td>
<td>0.34</td>
<td>(2.8)</td>
</tr>
<tr>
<td>B) Baked</td>
<td>0.28</td>
<td>(2.3)</td>
</tr>
</tbody>
</table>

2) On and after May 1, 2011:  

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>kg/l (lb/gal)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) General, One-Component</td>
<td>0.275</td>
<td>(2.3)</td>
</tr>
<tr>
<td>B) General, Multi-Component</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th></th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>0.340</td>
<td>0.275</td>
</tr>
<tr>
<td></td>
<td>(2.8)</td>
<td>(2.3)</td>
</tr>
<tr>
<td>(ii)</td>
<td>0.55</td>
<td>0.40</td>
</tr>
<tr>
<td></td>
<td>(4.5)</td>
<td>(3.3)</td>
</tr>
</tbody>
</table>

C) Extreme High Gloss

<table>
<thead>
<tr>
<th></th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>0.340</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(2.8)</td>
<td>(3.0)</td>
</tr>
<tr>
<td>(ii)</td>
<td>0.55</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(4.5)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

D) Extreme Performance

<table>
<thead>
<tr>
<th></th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td>(ii)</td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

E) Heat Resistant

<table>
<thead>
<tr>
<th></th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td>(ii)</td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

F) Metallic

<table>
<thead>
<tr>
<th></th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

G) Pretreatment Coatings

<table>
<thead>
<tr>
<th></th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

H) Solar Absorbent

<table>
<thead>
<tr>
<th></th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(3.5) (6.7)

ii) Baked

0.360 0.61
(3.0) (5.1)

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

h) Large Appliance Coating

1) Prior to May 1, 2011:

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Air Dried</td>
<td>0.34</td>
<td>(2.8)</td>
</tr>
<tr>
<td>B) Baked</td>
<td>0.28</td>
<td>(2.3)</td>
</tr>
</tbody>
</table>

2) On and after May 1, 2011:

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>kg/l (lb/gal)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) General, One Component</td>
<td>0.275</td>
<td>0.40</td>
</tr>
<tr>
<td>B) General, Multi-Component</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Air Dried</td>
<td>0.340</td>
<td>0.55</td>
</tr>
<tr>
<td>ii) Baked</td>
<td>0.275</td>
<td>0.40</td>
</tr>
<tr>
<td>C) Extreme High Gloss</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Air Dried</td>
<td>0.340</td>
<td>0.55</td>
</tr>
<tr>
<td>ii) Baked</td>
<td>0.360</td>
<td>0.61</td>
</tr>
<tr>
<td>D) Extreme Performance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

**E) Heat Resistant**

<table>
<thead>
<tr>
<th>Description</th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

**F) Metallic**

<table>
<thead>
<tr>
<th>Description</th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

**G) Pretreatment Coatings**

<table>
<thead>
<tr>
<th>Description</th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

**H) Solar Absorbent**

<table>
<thead>
<tr>
<th>Description</th>
<th>Air Dried</th>
<th>Baked</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.420</td>
<td>0.360</td>
</tr>
<tr>
<td></td>
<td>(3.5)</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>0.80</td>
<td>0.61</td>
</tr>
<tr>
<td></td>
<td>(6.7)</td>
<td>(5.1)</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.20</td>
<td>(1.7)</td>
</tr>
<tr>
<td></td>
<td>0.20*</td>
<td>(1.7)*</td>
</tr>
</tbody>
</table>

**j) Miscellaneous Metal Parts and Products Coating**
1) Clear coating
   - Air dried: 0.52 (4.3)
   - Baked: 0.52* (4.3)*

2) Extreme performance coating
   A) Air dried: 0.42 (3.5)
      - Baked: 0.42* (3.5)*
   B) Baked: 0.42 (3.5)
      - Baked: 0.40* (3.3)*

3) Steel pail and drum interior coating
   - Air dried: 0.52 (4.3)
   - Baked: 0.52* (4.3)*

4) All other coatings
   A) Air Dried: 0.42 (3.5)
      - Baked: 0.40* (3.3)*
   B) Baked: 0.36 (3.0)
      - Baked: 0.34* (2.8)*

5) Marine engine coating
   A) Air Dried: 0.42 (3.5)
      - Baked: 0.42* (3.5)*
   B) Baked
      i) Primer/Topcoat: 0.42 (3.5)
         - Baked: 0.42* (3.5)*
      ii) Corrosion resistant basecoat: 0.42 (3.5)
         - Baked: 0.28* (2.3)*
   C) Clear Coating: 0.52 (4.3)
      - Baked: 0.52* (4.3)*

6) Metallic Coating
POLLUTION CONTROL BOARD

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A) Air Dried
   0.42 (3.5)
   0.42* (3.5)*

B) Baked
   0.36 (3.0)
   0.36 (3.0)*

7) Definitions

   A) For purposes of subsection 218.204(j)(5) of this Section, the following terms are defined:

      i) "Corrosion resistant basecoat" means, for purposes of subsection 218.204(j)(5)(B)(ii) of this Section, a waterborne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance.

      ii) "Electrodeposition process" means, for purposes of subsection 218.204(j)(5) of this Section, a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.

      iii) "Marine engine coating" means, for purposes of subsection 218.204(j)(5) of this Section, any extreme performance protective, decorative or functional coating applied to an engine that is used to propel watercraft.

   B) For purposes of subsection 218.204(j)(6) of this Section, "metallic coating" means a coating which contains more than ¼ lb/gal of metal particles, as applied.

   k) Heavy Off-Highway Vehicle Products Coating
      kg/l     lb/gal

       1) Extreme performance prime coat
          0.42   (3.5)
          0.42*  (3.5)*
POLLUTION CONTROL BOARD

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2) Extreme performance topcoat (air dried)  
   0.42  (3.5)  
   0.42* (3.5)*  

3) Final repair coat (air dried)  
   0.42  (3.5)  
   0.42* (3.5)*  

4) All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j) above.

1) Wood Furniture Coating

1) Limitations before March 15, 1998:  
   kg/l  lb/gal

   A) Clear topcoat  
      0.67  (5.6)

   B) Opaque stain  
      0.56  (4.7)

   C) Pigmented coat  
      0.60  (5.0)

   D) Repair coat  
      0.67  (5.6)

   E) Sealer  
      0.67  (5.6)

   F) Semi-transparent stain  
      0.79  (6.6)

   G) Wash coat  
      0.73  (6.1)

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

2) On and after March 15, 1998, wood furniture sealers and topcoats must
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

comply with one of the limitations specified in subsections (l)(2)(A) through (E) below:

<table>
<thead>
<tr>
<th>kg VOM/</th>
<th>lb VOM/</th>
</tr>
</thead>
<tbody>
<tr>
<td>kg solids</td>
<td>lb solids</td>
</tr>
</tbody>
</table>

A) Topcoat

B) Sealers and topcoats with the following limits:

i) Sealer other than acid-cured alkyd amino vinyl sealer

ii) Topcoat other than acid-cured alkyd amino conversion varnish topcoat

iii) Acid-cured alkyd amino vinyl sealer

iv) Acid-cured alkyd amino conversion varnish topcoat

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

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

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

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

<table>
<thead>
<tr>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
</table>

A) Opaque stain

0.56 (4.7)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

B) Non-topcoat pigmented coat 0.60 (5.0)
C) Repair coat 0.67 (5.6)
D) Semi-transparent stain 0.79 (6.6)
E) Wash coat 0.73 (6.1)

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

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

B) Any source subject to the limitations of subsection (l)(2) or (3) of this Section shall comply with the requirements of Section 218.217 of this Subpart.

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

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

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

iii) Maintain these records at the source for a period of three years.
### Existing Diesel-Electric Locomotive Coating Lines in Cook County

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Extreme performance prime coat</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
<tr>
<td>2</td>
<td>Extreme performance top-coat (air dried)</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
<tr>
<td>3</td>
<td>Final repair coat (air dried)</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
<tr>
<td>4</td>
<td>High-temperature aluminum coating</td>
<td>0.72</td>
<td>(6.0)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.72*</td>
<td>(6.0)*</td>
</tr>
<tr>
<td>5</td>
<td>All other coatings</td>
<td>0.36</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.36*</td>
<td>(3.0)*</td>
</tr>
</tbody>
</table>

### Plastic Parts Coating: Automotive/Transportation

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Interiors</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A) Baked</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) Color coat</td>
<td>0.49*</td>
<td>(4.1)*</td>
</tr>
<tr>
<td></td>
<td>ii) Primer</td>
<td>0.46*</td>
<td>(3.8)*</td>
</tr>
<tr>
<td></td>
<td>B) Air Dried</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) Color coat</td>
<td>0.38*</td>
<td>(3.2)*</td>
</tr>
<tr>
<td></td>
<td>ii) Primer</td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
<tr>
<td>2</td>
<td>Exteriors (flexible and non-flexible)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A) Baked</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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i) Primer 0.60* (5.0)*
ii) Primer non-flexible 0.54* (4.5)*
iii) Clear coat 0.52* (4.3)*
iv) Color coat 0.55* (4.6)*

B) Air Dried

i) Primer 0.66* (5.5)*
ii) Clear coat 0.54* (4.5)*
iii) Color coat (red & black) 0.67* (5.6)*
iv) Color coat (others) 0.61* (5.1)*

3) Specialty

A) Vacuum metallizing basecoats, texture base coats 0.66* (5.5)*

B) Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings 0.71* (5.9)*

C) Gloss reducers, vacuum metallizing topcoats, and texture topcoats 0.77* (6.4)*

D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings 0.82* (6.8)*

E) Headlamp lens coatings 0.89* (7.4)*

o) Plastic Parts Coating: Business Machine kg/l lb/gal

1) Primer 0.14* (1.2)*
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2) Color coat (non-texture coat) 0.28* (2.3)*

3) Color coat (texture coat) 0.28* (2.3)*

4) Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings 0.48* (4.0)*

5) Specialty Coatings
   A) Soft coat 0.52* (4.3)*
   B) Plating resist 0.71* (5.9)*
   C) Plating sensitizer 0.85* (7.1)*

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

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

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

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.205 Daily-Weighted Average Limitations

No owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of this Section shall operate the subject coating line unless the owner or operator has demonstrated compliance with subsection (a), (b), (c), (d), (e), (f), (g), (h), (i), or (j) of this Section (depending upon the category of coating) through the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(d) of this Subpart:

a) No owner or operator of a coating line subject to only one of the limitations from among Section 218.204(a)(1), (a)(4), (d), (e), (f), (i), (p), or, prior to May 1, 2011, (c) of this Subpart shall apply coatings on any such coating line, during any day, whose daily-weighted average VOM content exceeds the emission limitation to
b) No owner or operator of a miscellaneous metal parts and products coating line subject to the limitations of Section 218.204(j) of this Subpart shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(j) during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used;

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(j) of this Subpart, during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

c) No owner or operator of a can coating line subject to the limitations of Section 218.204(b) of this Subpart shall operate the subject coating line using a coating with a VOM content in excess of the limitations specified in Section 218.204(b) of this Subpart unless all of the following requirements are met:

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

\[
E_d = \sum_{i=1}^{n} V_i C_i
\]

where:
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\[ E_d = \text{Actual VOM emissions for the day in units of kg/day (lbs/day);} \]

\[ i = \text{Subscript denoting a specific coating applied;} \]

\[ n = \text{Total number of coatings applied in the can coating operation, i.e., all can coating lines at the source;} \]

\[ V_i = \text{Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds specifically exempted from the definition of VOM);} \]

\[ C_i = \text{The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds specifically exempted from the definition of VOM);} \]

2) The alternative daily emission limitation \( (A_d) \) shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, on a daily basis as follows:

\[ A_d = \sum_{i=1}^{n} V_i L_i \left( \frac{D_i - C_i}{D_i - L_i} \right) \]

where:

\[ A_d = \text{The VOM emissions allowed for the day in units of kg/day (lbs/day);} \]

\[ i = \text{Subscript denoting a specific coating applied;} \]

\[ n = \text{Total number of surface coatings applied in the can coating operation;} \]

\[ C_i = \text{The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds specifically exempted from the definition of VOM);} \]
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\[ D_i = \text{The density of VOM in each coating applied. For the purposes of calculating } A_d, \text{ the density is } 0.882 \text{ kg VOM/l VOM (7.36 lbs VOM/gal VOM);} \]

\[ V_i = \text{Volume of each surface coating applied for the day in units of l (gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);} \]

\[ L_i = \text{The VOM emission limitation for each surface coating applied as specified in Section 218.204(b) of this Subpart in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).} \]

d) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 218.204(k) of this Subpart shall apply coatings to heavy off-highway vehicle products on the subject coating line unless the requirements of subsection (d)(1) or (d)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(k) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used;

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(k) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

e) No owner or operator of a wood furniture coating line subject to the limitations of Section 218.204(l)(1) or (l)(3) of this Subpart shall apply coatings to wood furniture on the subject coating line unless the requirements of subsection (e)(1) or subsection (e)(2) of this Section, in addition to the requirements specified in the note to Section 218.204(l)(1) of this Subpart, are met.
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1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(l)(1) or (l)(3) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(l)(1) or (l)(3) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

f) No owner or operator of an existing diesel-electric locomotive coating line in Cook County, subject to the limitations of Section 218.204(m) of this Subpart shall apply coatings to diesel-electric locomotives on the subject coating line unless the requirements of subsection (f)(1) or (f)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(m) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(m) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

g) No owner or operator of a plastic parts coating line, subject to the limitations of Section 218.204(n) or (o) of this Subpart shall apply coatings to business machine or automotive/transportation plastic parts on the subject coating line unless the requirements of subsection (g)(1) or (g)(2) of this Section are met:
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1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(n) or (o) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(n) or (o) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

h) No owner or operator of a metal furniture coating line, subject to the limitations of Section 218.204(g) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (h)(1) or (h)(2) of this Section are met:

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(g) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(g) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

i) No owner or operator of a large appliance coating line, subject to the limitations of Section 218.204(h) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (i)(1) or (i)(2) of this Section are met:

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(h) of this Subpart, during the same day (e.g., all coatings used on
the line are subject to 0.34 kg/l (2.8 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(h) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

j) On and after May 1, 2011, no owner or operator of a paper coating line subject to the limitations of Section 218.204(c) of this Subpart shall apply coatings on the subject coating line unless the requirements in subsection (j)(1) or (j)(2) of this Section are met:

1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(c) during the same day (e.g., all coatings used on the line are subject to 0.40 kg/kg solids (0.08 kg/kg coatings)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 218.204(c) during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.207 Alternative Emission Limitations

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

b) Alternative Add-On Control Methodologies

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

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

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

B) Calculate "S" according to the equation in Section 218.206 of this Subpart;

C) Calculate the overall efficiency required according to Section 218.105(e) of this Part. For the purposes of calculating this value, according to the equation in Section 218.105(e)(2) of this Part,
c) No owner or operator of a coating line subject to only one of the emission limitations from among Section 218.204(a)(1), (a)(4), (d), (e), (f), (i), or, prior to May 1, 2011, (c) of this Subpart and equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. No owner or operator of a coating line subject to Section 218.204(a)(2) or 218.204(a)(3) of this Subpart and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with such limitation in accordance with the topcoat protocol referenced in Section 218.105(b).

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

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

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

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

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

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

\[ E_d = \sum_{i=1}^{n} V_i C_i (1 - F_i) \]

where:

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

\[ i \] = Subscript denoting the specific coating applied;

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

\[ V_i \] = Volume of each coating as applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);
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\[ C_i = \text{The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM)}; \]

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

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

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

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

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

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

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

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

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

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

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

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.210 Compliance Schedule

Every owner or operator of a coating line (of a type included within Section 218.204 of this Subpart) shall comply with the requirements of Section 218.204, 218.205, 218.207 or 218.208 and Section 218.211 or Sections 218.212 and 218.213 of this Subpart in accordance with the appropriate compliance schedule as specified in subsection (a), (b), (c), (d), (e), (f), or (g), or (h) of this Section:

a) No owner or operator of a coating line that is exempt from the limitations of Section 218.204 of this Subpart because of the criteria in Section 218.208(a) or (b) of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.211(b) of this Subpart.

b) No owner or operator of a coating line complying by means of Section 218.204 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and
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continues to comply with, Sections 218.204 and 218.211(c) of this Subpart.

c) No owner or operator of a coating line complying by means of Section 218.205 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.205 and 218.211(d) of this Subpart.

d) No owner or operator of a coating line complying by means of Section 218.207 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.207 and 218.211(e) of this Subpart.

e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 218.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 218.204, 218.205 or 218.207 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with, respectively, the applicable requirements in Section 218.204, or the alternative control options in Section 218.205 or 218.207 and the requirements of Section 218.211.

f) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 218.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 218.212 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with the requirements of Sections 218.212 and 218.213 of this Subpart.

g) No owner or operator of a coating line subject to the emission limitations in Section 218.204(c)(2), 218.204(g)(2), or 218.204(h)(2) of this Subpart shall operate that coating line on or after a date consistent with Section 218.106(e) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.204(c)(2), 218.204(g)(2), or 218.204(h)(2), as applicable, or the alternative control options in Section 218.205 or 218.207, and all applicable requirements in Sections 218.211 and 218.218 of this Subpart.

h) No owner or operator of a coating line subject to the emission limitations contained in Section 218.204(p) of this Subpart shall operate that coating line on or after a date consistent with Section 218.106(e) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.204(p) or
Section 218.211 Recordkeeping and Reporting

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

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

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

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

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

\[ T_e = \sum_{j=1}^{m} \sum_{i=1}^{n} (A_j B_i) \]

where:
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\[ T_e = \text{Total VOM emissions from coating lines each day before the application of capture systems and control devices in units of kg/day (lbs/day);} \]

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

\[ j = \text{Subscript denoting an individual coating line;} \]

\[ n = \text{Number of different coatings as applied each day on each coating line;} \]

\[ i = \text{Subscript denoting an individual coating;} \]

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

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

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

A) A declaration that the source is exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b) of this Subpart; and
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B) Calculations which demonstrate that the source meets the criteria for exemption because of Section 218.208(b) of this Subpart.

3) For sources exempt under Section 218.208(a) of this Subpart, on and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

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

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

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

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

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

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

6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 218.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.

c) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart other than Section 218.204(a)(2) or (a)(3) of this Subpart and complying by means of Section 218.204 of this Subpart shall comply with the following:

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

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

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

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line;

D) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the
E) For coating lines subject to the limitations of Section 218.204(g)(2) or 218.204(h)(2) of this Subpart, the application methods used to apply coatings on the subject coating line and the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line; and

F) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

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

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

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating;

D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitations of Section 218.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating;
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E) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line, and certified product data sheets for each coating; and

F) For coating lines subject to the limitations of Section 218.204(g)(2) or 218.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line, and certified product data sheets for each coating; and.

G) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) of this Section below, respectively. Upon changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 of this Subpart or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

d) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of Section 218.205 of this Subpart shall comply with the following:

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

A) The name and identification number of each coating line which will comply by means of Section 218.205 of this Subpart.

B) The name and identification number of each coating as applied on each coating line.

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

D) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

E) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

F) For coating lines subject to the limitations of Section 218.204(g)(2) or 218.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.

G) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.
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H\(\ddagger\) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

I\(\ddagger\) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

J\(\ddagger\) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

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

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

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

D) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

E) For coating lines subject to the limitations of Section 218.204(g)(2) or 218.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in
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each coating, as applicable) as applied each day on each coating line.

F) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.

G) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 218.104 of this Part.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.205 of this Subpart to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with this subpart from Section 218.205 to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

e) Any owner or operator of a coating line subject to the limitations of Section 218.207 of this Subpart and complying by means of Section 218.207(c), (d), (e), (f), (g), (h), or (m) of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 218.204 or Section 218.205 of this Subpart to Section 218.207 of this Subpart, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the
subject coating line will be in compliance with Section 218.207 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 218.207(b)(2) of this Subpart.

B) Control device monitoring data.

C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.

D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207 of this Subpart to Section 218.204 or Section 218.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this subpart from Section 218.207 of this Subpart to Section 218.204 or Section 218.205 of this Subpart, the
f) Any owner or operator of a primer surfer operation or topcoat operation subject to the limitations of Section 218.204(a)(2) or (a)(3) of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 218.204 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:

A) The name and identification number of each coating operation which will comply by means of Section 218.204(a)(2) and (a)(3) of this Subpart and the name and identification number of each coating line in each coating operation.

B) The name and identification number of each coating as applied on each coating line in the coating operation.

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

D) The transfer efficiency and control efficiency measured for each coating line.

E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.

F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) of this
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H) An example format for presenting the records required in subsection (f)(2) of this Section.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each operation and maintain the information at the source for a period of three years:

A) All information necessary to calculate the daily-weighted average VOM emissions from the coating operations in \( \frac{\text{kg}}{\text{gal}} \) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 218.204(a)(2) or (a)(3) of this Subpart including:

i) The name and identification number of each coating as applied on each coating operation.

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

B) If a control device or devices are used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 218.106 of this Part or on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in \( \frac{\text{kg}}{\text{gal}} \) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 218.204(a)(2) or (a)(3) of this Subpart within 10 days from the end of the month and
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maintain this information at the source for a period of three years.

4) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:

A) Any record showing a violation of Section 218.204(a)(2) or (a)(3) of this Subpart shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.

B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days after the approval of the proposal by the Agency and USEPA.

g) On and after a date consistent with Section 218.106(e) of this Part, or on and after the initial startup date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 218.218 of this Subpart shall comply with the following:

1) By May 1, 2011, or upon initial startup, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.218 of this Subpart;

2) Notify the Agency of any violation of Section 218.218 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and

3) Maintain at the source all records required by this subsection (g) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.

h) On and after a date consistent with Section 218.106(e) of this Part, or on and after
the initial start-up date, whichever is later, the owner or operator of a flat wood paneling coating line subject to the requirements in Section 218.217 of this Subpart shall comply with the following:

1) By August 1, 2010, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.217(c) and (d) of this Subpart; and

2) Notify the Agency of any violation of Section 218.217 of this Subpart by providing a description of the violation and copies of records documenting such violation to the Agency within 30 days following the occurrence of the violation.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.212 Cross-Line Averaging to Establish Compliance for Coating Lines

a) On and after March 15, 1996, any owner or operator of a coating line subject to the limitations set forth in Section 218.204 of this Subpart, except coating lines subject to the limitations in Section 218.204(c)(2), (g)(2), or (h)(2) of this Subpart, and with coating lines in operation prior to January 1, 1991 ("pre-existing coating lines"), may, for pre-existing coating lines only, elect to comply with the requirements of this Section, rather than complying with the applicable emission limitations set forth in Section 218.204, if an operational change of the type described below has been made after January 1, 1991, to one or more pre-existing coating lines at the source. An operational change occurs when a pre-existing coating line is replaced with a line using lower VOM coating for the same purpose as the replaced line ("replacement line"). A source electing to rely on this Section to demonstrate compliance with the requirements of this Subpart shall operate pursuant to federally enforceable permit conditions approved by the Agency and USEPA.

b) An owner or operator of pre-existing coating lines subject to a VOM content limitation in Section 218.204 of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart must establish, by use of the equations in subsection (d) of this Section, that the calculated actual daily VOM emissions from all participating coating lines, as defined below, are less than the calculated daily allowable VOM emissions from the same group of coating lines. For any
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pre-existing coating line to be aggregated for the purposes of Section 218.212, 218.213, or 218.214 of this Subpart ("participating coating lines"), the source must establish that:

1) All coatings applied on the participating coating line shall, at all times, have a VOM content less than or equal to the applicable VOM content limitation for such coating listed in Appendix H of this Part; and

2) On the date the source elects to rely on this Section to demonstrate compliance with this Subpart, all coatings applied on the participating coating line are not already in compliance with the VOM content limitation for such coating effective on or after March 15, 1996; or the participating coating line is a replacement line, as defined in subsection (a) of this Section with an operational change occurring on or after January 1, 1991.

c) Notwithstanding subsection (a) of this Section, any owner or operator of a coating line subject to the limitations set forth in Section 218.204 of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart, may also include as a participating coating line, until December 31, 1999, only, any replacement line that satisfies all of the following conditions:

1) The replacement line is operated as a powder coating line;

2) The replacement line was added after July 1, 1988; and

3) The owner or operator also includes as a participating coating line one or more coating lines that satisfy the criteria of a replacement line, as described in subsection (a) of this Section.

d) To demonstrate compliance with this Section, a source shall establish the following:

1) An alternative daily emission limitation shall be determined for all participating coating lines at the source according to subsection (d)(2) of this Section. All participating coating lines shall be factored in each day to demonstrate compliance. Provided compliance is established pursuant to the requirements in this subsection, nothing in this Section requires daily operation of each participating line. Actual daily emissions from all
participating coating lines \((E_d)\) shall never exceed the alternative daily emission limitation \((A_d)\) and shall be calculated by use of the following equation:

\[
E_d = \sum_{i=1}^{n} V_i C_i
\]

where:

- \(E_d\) = Actual daily VOM emissions from participating coating lines in units of kg/day (lbs/day);
- \(i\) = Subscript denoting a specific coating applied;
- \(n\) = Total number of coatings applied by all participating coating lines at the source;
- \(V_i\) = Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds which are specifically exempted from the definition of VOM); and
- \(C_i\) = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

2) The alternative daily emission limitation \((A_d)\) shall be determined for all participating coating lines at the source on a daily basis as follows:

\[
A_d = A_i + A_p
\]

where \(A_i\) and \(A_p\) are defined in subsections (d)(2)(A) and (d)(2)(B) of this Section.

A) The portion of the alternative daily emissions limitation for coating operations at a source using non-powder coating \((A_i)\) shall be determined for all such participating non-powder coating lines on a daily basis as follows:
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\[
A_i = \sum_{i=1}^{n} V_i L_i \left( \frac{D_i - C_i}{D_i - L_i} \right)
\]

where:

- \( A_i \) = The VOM emissions allowed for the day in units of kg/day (lbs/day);
- \( i \) = Subscript denoting a specific coating applied;
- \( n \) = Total number of coatings applied in the participating coating lines;
- \( C_i \) = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that which are specifically exempted from the definition of VOM);
- \( D_i \) = The density of VOM in each coating applied. For the purposes of calculating \( A_i \), the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);
- \( V_i \) = Volume of each coating applied for the day in units of l (gal) of coating (minus water and any compounds that which are specifically exempted from the definition of VOM); and
- \( L_i \) = The VOM emission limitation for each coating applied, as specified in Section 218.204 of this Subpart, in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that which are specifically exempted from the definition of VOM).

B) The portion of the alternative daily emission limitation for coating operations at a source using powdered coating (\( A_p \)) shall be determined for all such participating powder coating lines at the source on a daily basis as follows:
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\[ A_p = \sum_{h=1}^{m} \sum_{j=1}^{n} \frac{V_j L_j D_j K_h}{(D_j - L_j)} \]

where:

- \( A_p \) = The VOM emissions allowed for the day in units of kg/day (lbs/day);
- \( h \) = Subscript denoting a specific powder coating line;
- \( j \) = Subscript denoting a specific powder coating applied;
- \( m \) = Total number of participating powder coating lines;
- \( n \) = Total number of powder coatings applied in the participating coating lines;
- \( D_j \) = The assumed density of VOM in liquid coating, 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);
- \( V_j \) = Volume of each powder coating consumed for the day in units of l (gal) of coating; and
- \( L_j \) = The VOM emission limitation for each coating applied, as specified in Section 218.204 of this Subpart, in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that which are specifically exempted from the definition of VOM); and
- \( K \) = A constant for each individual coating line representing the ratio of the volume of coating solids consumed on the liquid coating system that which has been replaced to the volume of powder coating consumed on the replacement line to accomplish the same coating job. This value shall be determined by the source based on tests conducted and records maintained pursuant to the requirements of Section 218.213 of this Subpart demonstrating the amount of coating solids consumed as both liquid powder. Test methods and recordkeeping requirements shall be
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approved by the Agency and USEPA and shall be contained in the source's operating permit as federally enforceable permit conditions, subject to the following restrictions:

i) K cannot exceed 0.9 for non-recycled powder coating systems; or

ii) K cannot exceed 2.0 for recycled powder coating systems.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards

a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 218.204(l) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOM for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.

b) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 218.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture under the circumstances specified in subsections (b)(1) through (4) of this Section:

1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;

2) For repair coating under the following circumstances:

A) The coating materials are applied after the completion of the coating operation; or
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B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;

3) If the spray gun is aimed and triggered automatically, rather than manually; or

4) If emissions from the finishing application station are directed to a control device pursuant to Section 218.216 of this Subpart

cb) Cleaning and storage requirements. Each owner or operator of a source subject to the limitations of Section 218.204(l) or (p) of this Subpart shall:

1) Keep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;

2) Pump or drain all organic solvent used for line cleaning into closed containers;

3) Collect all organic solvent used to clean spray guns in closed containers; and

4) Control emissions from washoff operations by using closed tanks.

d) Additional cleaning and storage requirements for flat wood paneling coating lines. Every owner or operator of a source subject to the limitations of Section 218.204(p) of this Subpart shall:

1) Minimize spills of VOM-containing coatings, thinners, and cleaning materials and clean up spills immediately;

2) Minimize emissions of VOM during the cleaning of storage, mixing, and conveying equipment; and

3) Keep mixing vessels that contain VOM-containing coatings and other VOM-containing materials closed except when specifically in use.

e) Application equipment requirements. No owner or operator of a source subject to
the limitations of Section 218.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture except under the circumstances specified in subsections (c)(1) through (4) of this Section:

1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;

2) For repair coating under the following circumstances:
   A) The coating materials are applied after the completion of the coating operation; or
   B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;

3) If the spray gun is aimed and triggered automatically, rather than manually; or

4) If emissions from the finishing application station are directed to a control device pursuant to Section 218.216 of this Subpart.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

SUBPART H: PRINTING AND PUBLISHING

Section 218.401 Flexographic and Rotogravure Printing

a) No owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line shall apply at any time any coating or ink unless the VOM content does not exceed the limitation specified in either subsection (a)(1) or (a)(2), as applicable. Compliance with this Section must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(c) of this Part. As an alternative to compliance with this subsection, a subject printing line may meet the requirements of subsection (b) or (c) below.
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1) Prior to August 1, 2010, either:

A1) Forty percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM), or

B2) Twenty-five percent VOM by volume of the volatile content in the coating and ink; and

2) On and after August 1, 2010:

A) For owners operators of flexographic or rotogravure printing lines that do not print flexible packaging, either:

i) Forty percent VOM by volume of the coating and ink (minus water and any compounds that are specifically exempted from the definition of VOM); or

ii) Twenty-five percent VOM by volume of the volatile content in the coating and ink;

B) For owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, either:

i) 0.8 kg VOM/kg (0.8 lbs VOM/lb) solids applied; or

ii) 0.16 kg VOM/kg (0.16 lbs VOM/lb) inks and coatings applied.

b) Weighted Averaging Alternative

1) Prior to August 1, 2010, no owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line shall apply coatings or inks on the subject printing line unless the weighted average, by volume, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(1)(A) (as determined by subsection (b)(1)(A)) or subsection (a)(12)(B) (as determined by subsection (b)(12)(B)). Compliance with
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this subsection must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Part.

A1) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(A) of this Section.

\[
VOM_{(A)} = \frac{\sum_{i=1}^{n} C_i L_i (V_{si} + V_{VOM})}{\sum_{i=1}^{n} L_i (V_{si} + V_{VOM})}
\]

where:

\[
VOM_{(A)} = \text{The weighted average VOM content in units of percent VOM by volume of all coatings and inks (minus water and any compounds that which are specifically exempted from the definition of VOM) used each day;}
\]

\[
i = \text{Subscript denoting a specific coating or ink as applied;}
\]

\[
n = \text{The number of different coatings and/or inks as applied each day on a printing line;}
\]

\[
C_i = \text{The VOM content in units of percent VOM by volume of each coating or ink as applied (minus water and any compounds that which are specifically exempted from the definition of VOM);}
\]

\[
L_i = \text{The liquid volume of each coating or ink as applied in units of l (gal);}
\]

\[
V_{si} = \text{The volume fraction of solids in each coating or ink as applied; and}
\]

\[
V_{VOM} = \text{The VOM content in units of percent VOM by volume of each coating or ink as applied (minus water and any compounds that which are specifically exempted from the definition of VOM);}
\]

\[
V_{si} = \text{The volume fraction of solids in each coating or ink as applied; and}
\]
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\[ V_{VOMi} = \text{The volume fraction of VOM in each coating or ink as applied.} \]

**B2)** The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(12)(B) of this Section.

\[
VOM_{(i)(B)} = \frac{\sum_{i=1}^{n} C_i L_i V_{VMi}}{\sum_{i=1}^{n} L_i V_{VMi}}
\]

where:

- \( VOM_{(i)(B)} \) = The weighted average VOM content in units of percent VOM by volume of the volatile content of all coatings and inks used each day;
- \( i \) = Subscript denoting a specific coating or ink as applied;
- \( n \) = The number of different coatings and/or inks as applied each day on each printing line;
- \( C_i \) = The VOM content in units of percent VOM by volume of the volatile matter in each coating or ink as applied;
- \( L_i \) = The liquid volume of each coating or ink as applied in units of l (gal) and
- \( V_{VMi} \) = The volume fraction of volatile matter in each coating or ink as applied.

2) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that does not print flexible packaging shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(A)(i) calculated in accordance with
the equation in subsection (b)(1)(A)) or (a)(2)(A)(ii) (calculated in accordance with the equation in subsection (b)(1)(B)) of this Section. Compliance with this subsection (b)(2) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Subpart.

3) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(B)(i) (calculated in accordance with the equation in subsection (b)(3)(A)) or subsection (a)(2)(B)(ii) (calculated in accordance with the equation in subsection (b)(3)(B)) of this Section. Compliance with this subsection (b)(3) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Subpart.

A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(i) of this Section.

$$VOM_{(A)} = \frac{\sum_{i=1}^{n} C_i W_i}{\sum_{i=1}^{n} W_i}$$

where:

- $VOM_{(A)}$ = The weighted average VOM content in units of kg VOM per kg (lbs VOM per lb) solids of all coatings and inks used each day;
- $i$ = Subscript denoting a specific coating or ink as applied;
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The number of different coatings and/or inks as applied each day on a printing line;

The VOM content in units of kg VOM per kg (lbs VOM per lb) solids of each coating or ink as applied;

Weight of solids in each coating or ink, as applied, in units of kg/l (lb/gal).

B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(ii) of this Section.

\[ VOM_{(B)} = \frac{\sum_{i=1}^{n} C_i L_i}{\sum_{i=1}^{n} L_i} \]

where:

The weighted average VOM content in units of kg (lbs) VOM per weight in kg (lbs) of all coatings or inks as applied each day;

Subscript denoting a specific coating or ink as applied;

The number of different coatings and/or inks as applied each day on each printing line;

The VOM content in units of kg (lbs) VOM per weight in kg (lbs) of each coating or ink as applied;

The weight of each coating or ink, as applied, in units of kg/l (lb/gal).

c) Capture System and Control Device Requirements
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1) Prior to August 1, 2010, no owner or operator of a subject flexographic, packaging rotogravure, or publication rotogravure printing line equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as and subsections (c)(14)(D), (c)(5), and (c)(6) below.

A One of:

i) A carbon adsorption system is used that reduces the captured VOM emissions by at least 90 percent by weight, or

ii) An incineration system is used that reduces the captured VOM emissions by at least 90 percent by weight, or

iii) An alternative VOM emission reduction system is used that is demonstrated to have at least a 90 percent control device efficiency, approved by the Agency and approved by USEPA as a SIP revision, and

B The printing line is equipped with a capture system and control device that provides an overall reduction in VOM emissions of at least:

i) 75 percent where a publication rotogravure printing line is employed, or

ii) 65 percent where a packaging rotogravure printing line is employed, or

iii) 60 percent where a flexographic printing line is employed, and

2) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that does not print flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements...
in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(B), (c)(5), and (c)(6) of this Section;

3) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsections (c)(5) and (c)(6) of this Section and the capture system and control device provides an overall reduction in VOM emissions of at least:

   A) 65 percent in cases in which a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or

   B) 70 percent when a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010; or

   C) 75 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or

   D) 80 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010;

4) On and after August 1, 2010, the owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and non-flexible packaging on the same line and that is equipped with a control device shall be subject to the requirements of either subsection (c)(1)(B) or (c)(3) of this Section, whichever is more stringent, as well as subsections (c)(5) and (c)(6) of this Section;

5) The control device is equipped with the applicable monitoring equipment specified in Section 218.105(d)(2) of this Part and except as provided in
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Section 218.105(d)(3) of this Part, the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use; and

6) The capture system and control device are operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with this subsection by using the applicable capture system and control device test methods and procedures specified in Section 218.105(c) through Section 218.105(f) of this Part and by complying with the recordkeeping and reporting requirements specified in Section 218.404(e) of this Part. The owner or operator of a printing line subject to the requirements in subsection (c)(1)(B) or (c)(2) of this Section that performed all testing necessary to demonstrate compliance with subsection (c)(1)(B) prior to August 1, 2010 is not required to retest pursuant to this subsection (c)(6). The owner or operator of a printing line subject to the requirements in subsection (c)(3) shall perform testing in compliance with this subsection (c)(6), even if the owner or operator already performed such testing prior to August 1, 2010, unless the following conditions are met. Nothing in this subsection (c)(6), however, shall limit the Agency's ability to require that the owner or operator perform testing pursuant to 35 Ill. Adm. Code 201.282:

A) On or after May 1, 2000, the owner or operator of the subject printing line performed all testing necessary to demonstrate compliance with subsection (c)(1)(B);

B) Such testing also demonstrated an overall control efficiency equal to or greater than the applicable control efficiency requirements in subsection (c)(3);

C) The owner or operator submitted the results of such tests to the Agency, and the tests were not rejected by the Agency;

D) The same capture system and control device subject to the tests referenced in subsection (c)(6)(A) of this Section is still being used by the subject printing line; and

E) The owner or operator complies with all recordkeeping and reporting requirements in Section 218.404(c)(1)(B).
d) No owner or operator of subject flexographic or rotogravure printing lines that print flexible packaging or print flexible packaging and non-flexible packaging on the same line shall cause or allow VOM containing cleaning materials, including used cleaning towels, associated with the subject flexographic or rotogravure printing lines to be kept, stored, or disposed of in any manner other than in closed containers, or conveyed from one location to another in any manner other than in closed containers or pipes, except when specifically in use.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.402 Applicability

a) Except as otherwise provided in Section 218.401, the limitations of Section 218.401 of this Subpart apply to all flexographic and rotogravure printing lines at a subject source. Sources with flexographic and/or rotogravure printing lines are subject sources if:

1) Total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source ever exceed 90.7 Mg (100 tons) per calendar year and the flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision; or

2) The flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source have a potential to emit 22.7 Mg (25 tons) or more of VOM per year.

b) The limitations of Section 218.401(d) shall apply to all owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, at a source where the combined emissions of VOM from all flexographic and rotogravure printing lines total 6.8 kg/day (15 lbs/day) or more (including solvents used for...
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cleanup operations associated with flexographic and rotogravure printing lines), in the absence of air pollution control equipment.

cb) Upon achieving compliance with this Subpart, the flexographic and rotogravure printing lines are not required to meet Subpart G (Sections 218.301 or 218.302 of this Part). Flexographic and rotogravure printing lines exempt from this Subpart are subject to Subpart G (Sections 218.301 or 218.302 of this Part). Rotogravure or flexographic equipment used for both roll printing and paper coating is subject to this Subpart.

d) Once subject to the limitations of Section 218.401, a flexographic or rotogravure printing line is always subject to the limitations of Section 218.401 of this Part.

d) Any owner or operator of any flexographic or rotogravure printing line that is exempt from any of the limitations of Section 218.401 of this Part because of the criteria in this Section is subject to the recordkeeping and reporting requirements specified in Section 218.404(b) and (f) of this Part, as applicable.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.403 Compliance Schedule

Every owner or operator of a flexographic and/or rotogravure printing line shall comply with the applicable requirements of Section 218.401 and Section 218.404 of this Part in accordance with the applicable compliance schedule or schedules specified in subsection (a), (b), (c), or (d), (e), (f), or (g) below:

a) No owner or operator of a flexographic or rotogravure printing line that is exempt from the limitations of Section 218.401 of this Part because of the criteria in Section 218.402(a) of this Part shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.404(b) of this Part.

b) No owner or operator of a flexographic or rotogravure printing line complying by means of Section 218.401(a)(1) of this Part shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.401(a)(1) and Section 218.404(c) of this Part.
c) No owner or operator of a flexographic or rotogravure printing line complying by means of Section 218.401(b)(1) of this Part shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.401(b)(1) and Section 218.404(d) of this Part.

d) No owner or operator of a flexographic or rotogravure printing line complying by means of Section 218.401(c)(1)(B) of this Part shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, the applicable provisions in Sections 218.401(c) and Section 218.404(e) of this Part.

e) No owner or operator of a flexographic or rotogravure printing line complying by means of Section 218.401(a)(2), (b)(2), or (b)(3) or complying by means of Section 218.401(c)(2), (c)(3), or (c)(4), shall operate the printing line on or after August 1, 2010, unless the owner or operator has complied with, and continues to comply with, Section 218.401(a)(2), (b)(2) or (b)(3), and Section 218.401(c), as applicable, and all applicable provisions in Section 218.404 of this Part.

f) No owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, shall operate the printing line on or after August 1, 2010, unless the owner or operator has complied with, and continues to comply with, Section 218.401(d) and Section 218.404(g) of this Part.

g) No owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, and that is exempt from the limitations of Section 218.401(d) because of the criteria in Section 218.402(b) of this Part shall operate the printing line on or after August 1, 2010, unless the owner or operator has complied with, and continues to comply with, Section 218.402(b) and Section 218.404(f) of this Part.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.404 Recordkeeping and Reporting

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

b) Any owner or operator of a printing line which is exempted from any of the limitations of Section 218.401 of this Part because of the criteria in Section 218.402(a) of this Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, by August 1, 2010, the owner or operator of a flexographic or rotogravure printing line to which this subsection (b) is applicable shall certify to the Agency that the flexographic and rotogravure printing line is exempt under the provisions of Section 218.402(a) of this Part. Such certification shall include:

A) A declaration that the flexographic and rotogravure printing line is exempt from the limitations of the criteria in Section 218.401 of this Part because of Section 218.402(a) of this Part;

B) Calculations which demonstrate that total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. Total maximum theoretical emissions of VOM for a flexographic or rotogravure printing source is the sum of maximum theoretical emissions of VOM from each flexographic and rotogravure printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year before the application of capture systems and control devices for each flexographic and rotogravure printing line at the source:

\[ E_p = A \times B + 1095 \times (C \times D \times F) \]

where:
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\[ E_p = \text{Total maximum theoretical emissions of VOM from one flexographic or rotogravure printing line in units of kg/year (lbs/year)}; \]

\[ A = \text{Weight of VOM per volume of solids of the coating or ink with the highest VOM content as applied each year on the printing line in units of kg VOM/l (lbs VOM/gal) of coating or ink solids}; \]

\[ B = \text{Total volume of solids for all coatings and inks that can potentially be applied each year on the printing line in units of l/year (gal/year). The instrument and/or method by which the owner or operator accurately measured or calculated the volume of each coating and ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency}; \]

\[ C = \text{Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg VOM/l (lbs VOM/gal)}; \]

\[ D = \text{The greatest volume of cleanup material or solvent used in any 8-hour period}; \]

\[ F = \text{The highest fraction of cleanup material or solvent which is not recycled or recovered for offsite disposal during any 8-hour period}. \]

2) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a flexographic and rotogravure printing line referenced in this subsection shall collect and record all of the following information each year for each printing line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content and the volume of each coating and ink as applied each year on each printing line.
3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a flexographic and rotogravure printing line exempted from the limitations of Section 218.401 of this Part because of the criteria in Section 218.402(a) of this Part shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all printing lines exceed 90.7 Mg (100 tons) in any calendar year before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

c) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(a) of this Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance from an existing subject printing line from Section 218.401(b) or Section 218.401(c) of this Part to Section 218.401(a) of this Part, the owner or operator of a subject printing line shall certify to the Agency that the printing line will be in compliance with Section 218.401(a) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 218.401(a)(2)(B) shall certify in accordance with this subsection (c)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content of each coating and ink as applied each day on each printing line.

2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(a) of this Part shall collect and record all of the following information each day for
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each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content of each coating and ink as applied each day on each printing line.

3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.401(a) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(a) of this Part to Section 218.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(a) of this Part to Section 218.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

d) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(b) shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing subject printing line from Section 218.401(a) or (c) of this Part to Section 218.401(b) of this Part, the owner or operator of the subject printing line shall certify to the Agency that the printing line will be in compliance with Section 218.401(b) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial
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start-up date. The owner or operator of a printing line subject to the requirements in Section 218.401(b)(3) shall certify in accordance with this subsection (d)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:

A) The name and identification number of each printing line which will comply by means of Section 218.401(b) of this Part.

B) The name and identification number of each coating and ink available for use on each printing line.

C) The VOM content of each coating and ink as applied each day on each printing line.

D) The instrument or method by which the owner or operator will accurately measure or calculate the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line.

E) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

F) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(b) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content and the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line.
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printing line.

C) The daily-weighted average VOM content of all coatings and inks as applied on each printing line.

3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.401(b) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(b) of this Part to Section 218.401(a) or 218.401(c) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(b) of this Part to Section 218.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

e) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(c) of this Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from Section 218.401(a) or (b) of this Part to Section 218.401(c) of this Part, the owner or operator of the subject printing line shall either:

A) Perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with Section 218.401(c) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date; or:
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B) If not required to perform such testing pursuant to Section 218.401(c)(6), submit a certification to the Agency that includes:

i) A declaration that the owner or operator is not required to perform testing pursuant to Section 218.401(c)(6);

ii) The dates that testing demonstrating compliance with Section 218.401(c)(3) was performed; and

iii) The dates that the results of such testing were submitted to the Agency.

2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(c) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the facility for a period of three years:

A) Control device monitoring data.

B) A log of operating time for the capture system, control device, monitoring equipment and the associated printing line.

C) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.401(c) of this Part, shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
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B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(c) of this Part to Section 218.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(c) of this Part to Section 218.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.

4) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, the owner or operator of a printing line subject to the requirements in Section 218.401(c)(3) or (c)(4) shall submit to the Agency records documenting the date the printing line was constructed at the subject source and the date the control device for such printing line was constructed at the subject source.

f) Any owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, and that is exempt from the limitations of Section 218.401(d) because of the criteria in Section 218.402(b) shall:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon modification of a printing line, submit a certification to the Agency that includes:

   A) A declaration that the source is exempt from the requirements in Section 218.401(d) because of the criteria in Section 218.402(b);

   B) Calculations that demonstrate that combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with such printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment; and

2) Notify the Agency in writing if the combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with the flexographic and
rotogravure lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.

g) Any owner or operator of a printing line subject to the limitations of Section 218.401(d) shall:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, submit a certification to the Agency describing the practices and procedures that the owner or operator will follow to ensure compliance with the limitations of Section 218.401(d); and

2) Notify the Agency of any violation of Section 218.401(d) by sending a description of the violation and copies of records documenting such violations to the Agency within 30 days following the occurrence of the violation.

h) All records required by subsections (f) and (g) of this Section shall be retained for at least three years and shall be made available to the Agency upon request.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.405 Lithographic Printing: Applicability

a) Until March 15, 1996, the limitations of Section 218.406 of this Subpart apply to all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with the heatset web offset lithographic printing line(s)) at a source subject to the requirements of this Subpart. All sources with heatset web offset lithographic printing lines are sources subject to the requirements of this Subpart unless:

1) Total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with the heatset web offset lithographic printing line(s)) at the source never exceed 90.7 Mg (100 tons) per calendar year in the absence of air pollution control equipment; or

2) A federally enforceable permit or SIP revision for all heatset web offset lithographic printing line(s) at a source requires the owner or operator to
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limit production or capacity of these printing line(s) to reduce total VOM emissions from all heatset web offset lithographic printing line(s) to 90.7 Mg (100 tons) per calendar year or less in the absence of air pollution control equipment.

b) Any owner or operator of any heatset web offset lithographic printing line that is exempt from the limitations in Section 218.406 of this Subpart because of the criteria in subsection (a) of this Section shall be subject to the recordkeeping and reporting requirements in Section 218.406(b)(1) of this Subpart.

e) Every on and after March 15, 1996, every owner or operator of lithographic printing line(s) is subject to the recordkeeping and reporting requirements in Section 218.411 of this Subpart.

d) Prior to August 1, 2010, on and after March 15, 1996, Sections 218.407 through 218.410 of this Subpart shall apply to:

1) All owners or operators of heatset web offset lithographic printing line(s) unless:

A) Total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset lithographic printing lines) at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. To determine a source's total maximum theoretical emissions of VOM for the purposes of this subsection (b)(1)(A), the owner or operator shall use the calculations set forth in Section 218.411(a)(1)(C) of this Subpart; or

B) Federally enforceable permit conditions or SIP revision for all heatset web offset lithographic printing line(s) at the source requires the owner or operator to limit production or capacity of these printing line(s) to total VOM emissions of 90.7 Mg/yr (100 TPY) or less, before the application of capture systems and control devices;

2) All owners or operators of heatset web offset, non-heatset web offset, or sheet-fed offset lithographic printing line(s), unless the combined
emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) never exceed 45.5 kg/day (100 lbs/day), as determined in accordance with Section 218.411(a)(1)(B), before the application of capture systems and control devices.

c) On and after August 1, 2010:

1) The requirements in Section 218.407(a)(1)(B) through (a)(1)(E) and 218.407(b) and all applicable provisions in Sections 218.409 through 218.411 of this Subpart shall apply to all owners or operators of heatset web offset lithographic printing lines, if the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) ever exceed 45.5 kg/day (100 lbs/day), calculated in accordance with Section 218.411(b)(2)(B), before the application of capture systems and control devices;

2) The requirements in Section 218.407(a)(1)(A) and (a)(2) through (a)(5) and all applicable provisions in Sections 218.409 through 218.411 of this Subpart shall apply to all owners or operators of lithographic printing lines if the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) ever equal or exceed 6.8 kg/day (15 lbs/day), calculated in accordance with Section 218.411(b)(1)(B), before the application of capture systems and control devices;

3) Notwithstanding subsection (c)(2) of this Section, at sources where the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), calculated in accordance with Section 218.411(b)(1)(B), before the application of capture systems and control devices, the following exclusions shall apply unless the owner or operator of the source certifies pursuant to Section 218.411(g)(1)(B) that the source will not make use of any such exclusions:

A) The requirements of Section 218.407(a)(1)(A), (a)(2), and (a)(3) of this Subpart shall not apply to lithographic printing lines
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A) With a total fountain solution reservoir of less than 3.8 liters (1 gallon):

B) The requirements of Section 218.407(a)(3) of this Subpart shall not apply to sheet-fed offset lithographic printing lines with maximum sheet size of 11x17 inches or smaller:

C) The requirements of Section 218.407(a)(4) of this Subpart shall not apply to up to a total of 416.3 liters (110 gallons) per year of cleaning materials used on all lithographic printing lines at the source:

D) The requirements of Section 218.407(a)(4)(A)(i) shall not apply to lithographic printing lines at the source. Instead, the requirements of Section 218.407(a)(4)(A)(ii) shall apply to such lines.

d(e) If a lithographic printing line at a source is or becomes subject to one or more of the limitations in Section 218.406 or 218.407 of this Subpart, the lithographic printing lines at the source are always subject to the applicable provisions of this Subpart.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)


a) Emission Standards and Limitations. No owner or operator of a heatset web offset printing line at a source that meets or exceeds the applicability levels in Section 218.405(a) of this Subpart may cause or allow the operation of such heatset web offset printing line(s) unless the owner or operator meets the requirements in subsections (a)(1) or (a)(2) of this Section and the requirements in subsections (a)(3) and (a)(4) of this Section. The owner or operator shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in Section 218.105(a), (d), and (f) of this Part and by complying with the recordkeeping and reporting requirements specified in subsection (b) of this Section.

1) An afterburner system is installed and operated that reduces 90 percent of the VOM emissions (excluding methane and ethane) from the dryer
2) The fountain solution contains no more than 8 percent, by weight, of VOM and a condensation recovery system is installed and operated that removes at least 75 percent of the non-isopropyl alcohol organic materials from the dryer exhaust; and

3) The control device is equipped with the applicable monitoring equipment specified in Section 218.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to manufacturer's specifications at all times when the control device is in use; and

4) The control device is operated at all times when the printing line is in operation.

b) Recordkeeping and Reporting. The VOM content of each fountain solution and ink and the efficiency of each control device shall be determined by the applicable test methods and procedures specified in Section 218.105 of this Part to establish the records required under this subsection.

1) Any owner or operator of a lithographic printing line which is exempted from the limitations of subsection (a) of this Section because of the criteria in 218.405(a) of this Subpart shall comply with the following:

A) By a date consistent with Section 218.106 of this Part, the owner or operator of a heatset web offset lithographic printing line to which subsection (b)(1) of this Section is applicable shall certify to the Agency that the heatset web offset lithographic printing line is exempt under the provisions of Section 218.405(a) of this Subpart. Such certification shall include:

i) A declaration that the heatset web offset lithographic printing line is exempt from the limitations of subsection (a) of this Section because of the criteria in Section 218.405(a) of this Subpart; and

ii) Calculations which demonstrate that total maximum theoretical emissions of VOM from all heatset web offset
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lithographic printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of air pollution control equipment. Total maximum theoretical emissions of VOM for a heatset web offset lithographic printing source is the sum of maximum theoretical emissions of VOM from each heatset web offset lithographic printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year in the absence of air pollution control equipment for each heatset web offset lithographic printing line at the source:

\[ E_p = (R \times A \times B) + [(C \times D) + 1095 \times (F \times G \times H)] \]

where:

- \( E_p \) = Total maximum theoretical emissions of VOM from one heatset web offset printing line in units of kg/yr (lb/yr);
- \( R \) = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg/ℓ (lb/gal) of solids;
- \( A \) = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of ℓ/yr (gal/yr). The instrument or method by which the owner or operator accurately measured or calculated the volume of each ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;
- \( B \) = Weight of VOM per volume of fountain solution with the highest VOM content as applied each year on the printing line in units of kg/ℓ (lb/gal);
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\[ D = \] The total volume of fountain solution that can potentially be used each year on the printing line in units of ℓ/yr (gal/yr). The instrument and/or method by which the owner or operator accurately measured or calculated the volume of each fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Agency;

\[ F = \] Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/ℓ (lb/gal) of such material;

\[ G = \] The greatest volume of cleanup material or solvent used in any 8-hour period; and

\[ H = \] The highest fraction of cleanup material or solvent which is not recycled or recovered for offsite disposal during any 8-hour period.

\[ R = \] The multiplier representing the amount of VOM not retained in the substrate being used. For paper, R = 0.8. For foil, plastic, or other impervious substrates, R = 1.0.

B) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a heatset web offset lithographic printing line to which subsection (b)(1) of this Section is applicable shall collect and record all of the following information each year for each printing line and maintain the information at the source for a period of three years:

i) The name and identification of each fountain solution and ink as applied on each printing line; and

ii) The VOM content and the volume of each fountain solution and ink as applied each year on each printing line.
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(C) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a source exempted from the limitations of subsection (a) of this Section because of the criteria in Section 218.405(a) of this Subpart shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines exceed 90.7 Mg (100 tons) in any calendar year in the absence of air pollution control equipment by sending a copy of such record to the Agency within 30 days after the exceedence occurs.

2) Any owner or operator of a printing line subject to the limitations of subsection (a) of this Section and complying by means of subsection (a)(1) of this Section shall comply with the following:

A) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from subsection (a)(2) to (a)(1) of this Section, perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with subsection (a)(1) of this Section on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date;

B) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, collect and record the following information each day for each printing line and maintain the information at the source for a period of three years:

i) Control device monitoring data;

ii) A log of operating time for the control device, monitoring equipment and the associated printing line; and

iii) A maintenance log for the control device and monitoring equipment detailing all routine and nonroutine maintenance performed including dates and duration of any outages;

C) On and after a date consistent with Section 218.106 of this Part,
notify the Agency in the following instances:

i) Any violation of subsection (a)(1) of this Section shall be reported to the Agency, in writing, within 30 days following the occurrence of the violation;

ii) Any record showing a violation of subsection (a)(1) of this Section shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation; and

iii) At least 30 calendar days before changing the method of compliance with subsection (a) of this Section from subsection (a)(1) to (a)(2) of this Section, the owner or operator shall comply with all requirements of subsection (b)(3)(A) of this Section. Upon changing the method of compliance with subsection (a) of this Section from subsection (a)(1) to (a)(2) of this Section, the owner or operator shall comply with all requirements of subsection (b)(3) of this Section.

3) Any owner or operator of a printing line subject to the limitations of subsection (a) of this Section and complying by means of subsection (a)(2) of this Section shall:

A) By a date consistent with Section 218.106 of this Part, or upon initial start up of a new printing line, or upon changing the method of compliance for an existing printing line from subsection (a)(1) to (a)(2) of this Section, perform all tests and submit to the Agency and the USEPA the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with subsection (a)(2) of this Section on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date;

B) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, collect and record the following information each day for each printing line and maintain the information at the source for a period of three years:
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i) The VOM content of the fountain solution used each day on each printing line;

ii) A log of operating time for the control device and the associated printing line; and

iii) A maintenance log for the control device detailing all routine and non-routine maintenance performed including dates and duration of any outages;

C) On and after a date consistent with Section 218.106 of this Part, notify the Agency in the following instances:

i) Any violation of subsection (a)(2) shall be reported to the Agency, in writing, within 30 days following the occurrence of the violation;

ii) Any record showing a violation of subsection (a)(2) of this Section shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation; and

iii) At least 30 calendar days before changing the method of compliance with subsection (a) of this Section from subsection (a)(2) to (a)(1) of this Section, the owner or operator shall comply with all requirements of subsection (b)(2)(A) of this Section. Upon changing the method of compliance with subsection (a) of this Section from subsection (a)(2) to (a)(1) of this Section, the owner or operator shall comply with all requirements of subsection (b)(2) of this Section.

e) Compliance Schedule. Every owner or operator of a heatset web offset lithographic printing line shall comply with the applicable requirements of subsections (a) and (b) of this Section in accordance with the applicable compliance schedule specified in subsections (c)(1), (c)(2), or (c)(3) of this Section:
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1) No owner or operator of a heatset web offset lithographic printing line which is exempt from the limitations of subsection (a) of this Section because of the criteria in Section 218.405(a) of this Subpart shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.405(a) and (b)(1) of this Subpart.

2) No owner or operator of a heatset web offset lithographic printing line complying by means of subsection (a)(1) of this Section shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, subsections (a)(1), (a)(3), (a)(4) and (b)(2) of this Section.

3) No owner or operator of a heatset web offset lithographic printing line complying by means of subsection (a)(2) of this Section shall operate said printing line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, subsections (a)(2), (a)(3), (a)(4) and (b)(3) of this Section.

(Source: Repealed at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996

a) No on and after March 15, 1996, no owner or operator of lithographic printing lines subject to the requirements of this Subpart shall:

1) Cause or allow the operation of any heatset web offset lithographic printing line unless:

A) The total VOM content in the as-applied fountain solution meets one of the following conditions:

i) 1.6 percent or less, by weight;

ii) 3 percent or less, by weight, and the temperature of the fountain solution is maintained below 15.6°C (60°F), measured at the reservoir or the fountain tray; or
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iii) 5 percent or less, by weight/volume, and the as-applied fountain solution contains no alcohol;

B) The air pressure in the dryer is maintained lower than the air pressure of the press room, such that air flow through all openings in the dryer, other than the exhaust, is into the dryer at all times when the printing line is operating;

C) An afterburner is installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhaust(s) are reduced as follows:

i) Prior to August 1, 2010, by 90 percent, by weight, or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon); and

ii) On and after August 1, 2010, by at least 90 percent, by weight, for afterburners first constructed at the source prior to January 1, 2010; by at least 95 percent, by weight, for afterburners first constructed at the source on or after January 1, 2010; or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon);

D) The afterburner complies with all monitoring provisions specified in Section 218.410(c) of this Subpart, is equipped with the applicable monitoring equipment specified in Section 218.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated, and maintained according to manufacturer's specifications at all times when the afterburner is in use; and

E) The afterburner is operated at all times when the printing line is in operation, except the afterburner may be shut down between November 1 and April 1 as provided in Section 218.107 of this Part;

2) Cause or allow the operation of any non-heatset web offset lithographic printing line unless the VOM content of the as-applied fountain solution is 5 percent or less, by weight/volume, and the as-applied fountain solution
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contains no alcohol;

3) Cause or allow the operation of any sheet-fed offset lithographic printing line unless:

A) The VOM content of the as-applied fountain solution is 5 percent or less, by weight; or

B) The VOM content of the as-applied fountain solution is 8.5 percent or less, by weight, and the temperature of the fountain solution is maintained below 15.6°C (60°F), measured at the reservoir or the fountain tray;

4) Cause or allow the use of a cleaning solution on any lithographic printing line unless:

A) The VOM content of the as-used cleaning solution is less than or equal to:

   i) 30 percent, by weight; or

   ii) On and after August 1, 2010, for owners or operators of sources that meet the applicability criteria in Section 218.405(c)(3) and do not certify pursuant to Section 218.411(g)(1)(B) that the source will not make use of any of the exclusions in Section 218.405(c)(3), 70 percent, by weight; or

B) The VOM composite partial vapor pressure of the as-used cleaning solution is less than 10 mmHg at 20°C (68°F);

5) Cause or allow VOM containing cleaning materials, including used cleaning towels, associated with any lithographic printing line to be kept, stored or disposed of in any manner other than in closed containers, except when specifically in use.

b) An owner or operator of a heatset web offset lithographic printing line subject to the requirements of subsection (a)(1)(C) of this Section may use a control device other than an afterburner, if:
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1) The control device reduces VOM emissions from the press dryer exhausts as follows

A) Prior to August 1, 2010, by at least 90 percent, by weight, or to a maximum control device exhaust outlet concentration of 20 ppmv (as carbon); and

B) On and after August 1, 2010:
   i) By at least 90 percent, by weight, for control devices first constructed at the source prior to January 1, 2010;
   ii) By at least 95 percent, by weight, for control devices first constructed at the source on or after January 1, 2010; or
   iii) To a maximum control device exhaust outlet concentration of 20 ppmv (as carbon);

2) The owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; and

3) The use of the control device with testing, monitoring, and recordkeeping in accordance with this plan is approved by the Agency and USEPA as federally enforceable permit conditions.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)

a) Every owner or operator of a lithographic printing line subject to one or more of the control requirements of Section 218.407 of this Subpart shall comply with the applicable requirements of Sections 218.407 through 218.411 of this Subpart on and after March 15, 1996, or upon initial start-up, whichever is later.

b) No owner or operator of a lithographic printing line which is exempt from the limitations of Section 218.407 of this Subpart because of the criteria in Section
218.405(d) of this Subpart, shall operate said printing line on or after March 15, 1996, unless the owner or operator has complied with, and continues to comply with, Sections 218.405(d) and 218.411(a) of this Subpart.

(Source: Repealed at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.409 Testing for Lithographic Printing On and After March 15, 1996

a) Testing to demonstrate compliance with the requirements of Section 218.407 of this Subpart shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

b) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, Appendix A, incorporated by reference at Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

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

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

A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
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B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

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

4) Notwithstanding the criteria or requirements in Method 25 which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);

5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and

6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 218.407(a)(1)(B) of this Subpart.

c) Testing to demonstrate compliance with the VOM content limitations in Section 218.407(a)(1)(A), (a)(2), (a)(3) and (a)(4)(A) of this Subpart, and to determine the VOM content of fountain solutions, fountain solution additives, cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 218.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Subpart, as applicable, shall be conducted upon request of the Agency or as otherwise specified in this Subpart, as
follows:

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

2) The manufacturer's specifications for VOM content for fountain solution additives, cleaning solvents, and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

d) Testing to demonstrate compliance with the requirements of Section 218.407(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 218.407(b) of this Subpart.

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

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.410 Monitoring Requirements for Lithographic Printing

a) Fountain Solution Temperature

1) The owner or operator of any lithographic printing line(s) relying on the temperature of the fountain solution to demonstrate compliance shall install, maintain, and continuously operate a temperature monitor of the fountain solution in the reservoir or fountain tray, as applicable.

2) The temperature monitor must be capable of reading with an accuracy of 1°C or 2°C, and must be attached to an automatic, continuous recording device such as a strip chart, recorder, or computer, with at least the same accuracy, that is installed, calibrated and maintained in accordance with the manufacturer's specifications. If the automatic, continuous recording
device malfunctions, the owner or operator shall record the temperature of the fountain solution at least once every two operating hours. The automatic, continuous recording device shall be repaired or replaced as soon as practicable.

b) Fountain Solution VOM Content. The owner or operator of any lithographic printing lines(s) subject to Section 218.407(a)(1)(A), (a)(2) or (a)(3) of this Subpart shall:

1) For a fountain solution to which VOM is not added automatically:

A) Maintain records of the VOM content of the fountain solution in accordance with Section 218.411(e(2)(C); or

B) Take a sample of the as-applied fountain solution from the fountain tray or reservoir, as applicable, each time a fresh batch of fountain solution is prepared or each time VOM is added to an existing batch of fountain solution in the fountain tray or reservoir, and shall determine compliance with the VOM content limitation of the as-applied fountain solution by using one of the following options:

i) With a refractometer or hydrometer with a visual, analog, or digital readout and with an accuracy of 0.5 percent. The refractometer or hydrometer must be calibrated with a standard solution for the type of VOM used in the fountain solution, in accordance with manufacturer's specifications, against measurements performed to determine compliance.

   The refractometer or hydrometer must be corrected for temperature at least once per 8-hour shift or once per batch of fountain solution prepared or modified, whichever is longer; or

ii) With a conductivity meter if it is demonstrated that a refractometer and hydrometer cannot distinguish between compliant and noncompliant fountain solution for the type and amount of VOM in the fountain solution. A source may use a conductivity meter if it demonstrates that both hydrometers and refractometers fail to provide significantly different measurements for standard solutions containing
2) For fountain solutions to which VOM is added at the source with automatic feed equipment, determine the VOM content of the as-applied fountain solution based on the setting of the automatic feed equipment which makes additions of VOM up to a pre-set level. Records must be retained of the VOM content of the fountain solution in accordance with Section 218.411(2)(D) of this Subpart. The equipment used to make automatic additions must be installed, calibrated, operated and maintained in accordance with manufacturer's specifications.

c) Afterburners for Heatset Web Offset Lithographic Printing Lines. If an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to Section 218.407(a)(1)(C) of this Subpart shall:

1) Install, calibrate, maintain, and operate temperature monitoring devices(s) with an accuracy of 3°C or 5°F on the afterburner in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the afterburner is operating; and

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

d) Other Control Devices for Heatset Web Offset Lithographic Printing Lines. If a control device other than an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to this Subpart shall install, maintain, calibrate and operate such monitoring equipment as set forth in the owner or operator's plan approved by the Agency and USEPA pursuant to Section 218.407(b) of this Subpart.
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e) Cleaning Solution

1) The owner or operator of any lithographic printing line relying on the VOM content of the cleaning solution to comply with Section 218.407(a)(4)(A) of this Subpart must:

A) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):

i) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and

ii) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 218.407(a)(4)(A) of this Subpart;

B) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 218.411(f)(2) of this Subpart.

2) The owner or operator of any lithographic printing line relying on the vapor pressure of the cleaning solution to comply with Section 218.407(a)(4)(B) of this Subpart must keep records for such cleaning solutions used on any such lines as set forth in Section 218.411(f)(2)(C) of this Subpart.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.411 Recordkeeping and Reporting for Lithographic Printing

a) Exempt Units prior to August 1, 2010. An owner or operator of lithographic printing lines exempt from the limitations of Section 218.407 of this Subpart prior to August 1, 2010, because of the criteria in Section 218.405(b) of
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this Subpart, shall comply with the following:

1) Upon March 15, 1996, upon initial start-up of a new lithographic printing line, and upon modification of a lithographic printing line, submit a certification to the Agency that includes:

A) A declaration that the source is exempt from the control requirements in Section 218.407 of this Part because of the criteria in Section 218.405(bd) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the tests methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing line(s) at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is
used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing line(s); and

iv) To determine VOM emissions from fountain solutions and cleaning solvents used on lithographic printing lines at the source, no retention factor is used;

C) Either a declaration that the source, through federally enforceable permit conditions, has limited its maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset printing lines) at the source to no more than 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices or calculations which demonstrate that the source's total maximum theoretical emissions of VOM do not exceed 90.7 Mg/yr (100 tons/yr TPY). Total maximum theoretical emissions of VOM for a heatset web offset lithographic printing source is the sum of maximum theoretical emissions of VOM from each heatset web offset lithographic printing line at the source.

The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year in the absence of air pollution control equipment for each heatset web offset lithographic printing line at the source:

To determine the source's total maximum theoretical emissions for the purposes of this subsection, the owner or operator shall use the calculations set forth in Section 218.406(b)(1)(A)(ii) of this Subpart; and

\[ E_p = (R \times A \times B) + (C \times D) + 1095 (F \times G \times H) \]

where:

\[ E_p \] = Total maximum theoretical emissions of VOM from one heatset web offset printing line in units of kg/yr (lb/yr);

\[ A \] = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal) of solids;
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B = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of 1/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;

C = Weight of VOM per volume of fountain solution with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal);

D = The total volume of fountain solution that can potentially be used each year on the printing line in units of 1/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Agency;

F = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lb/gal) of such material;

G = The greatest volume of cleanup material or solvent used in any 8-hour period;

H = The highest fraction of cleanup material or solvent that is not recycled or recovered for offsite disposal during any 8-hour period;

R = The multiplier representing the amount of VOM not retained in the substrate being used. For paper, R = 0.8. For metal, plastic, or other impervious substrates, R = 1.0;

D) A description and the results of all tests used to determine the
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VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;

2) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.

b) Exempt Units on and after August 1, 2010

1) Lithographic Printing Lines Exempt pursuant to Section 218.405(c)(2). By August 1, 2010, or upon initial start-up of a new lithographic printing line, whichever is later, and upon modification of a lithographic printing line, an owner or operator of lithographic printing lines exempt from the limitations in Section 218.407 of this Subpart because of the criteria in Section 218.405(c)(2) of this Subpart shall submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A), (b)(1)(B), and (b)(1)(D) of this Section or subsections (b)(1)(A) and (b)(1)(C) of this Section, as applicable. An owner or operator complying with subsection (b)(1)(B) shall also comply with the requirements in subsection (b)(1)(E) of this Section. An owner or operator complying with subsection (b)(1)(C) shall also comply with the requirements in subsection (b)(1)(F) of this Section:

A) A declaration that the source is exempt from the requirements in Section 218.407 of this Subpart because of the criteria in Section 218.405(c)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source do not equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, as follows:
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i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from cleaning solutions used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;
C) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(C)(i) or (ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days after the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection (b)(1)(C) as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web offset and either nonheatset web offset or sheetfed lithographic printing operations, or has all three types of printing operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).

i) The sum of all sheetfed and nonheatset web offset lithographic printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent and fountain solution additives, combined; or

ii) The sum of all heatset web offset lithographic printing operations at the source: 204.1 kg (450 lbs) of ink, cleaning solvent, and fountain solution additives, combined;

D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;

E) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and
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control devices, within 30 days after the event occurs. If such emissions of VOM at the source equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), the source shall comply with the requirements in subsection (b)(2) of this Section;

F) For sources complying with subsection (b)(1)(C) of this Section, comply with the following:

i) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(C)(i) and (b)(1)(C)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM;

ii) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(C) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs;

2) Heatset web offset lithographic printing lines exempt pursuant to Section 218.405(c)(1) but not exempt pursuant to Section 218.405(c)(2). By August 1, 2010, or upon initial start-up of a new heatset web offset lithographic printing line, whichever is later, and upon modification of a heatset web offset lithographic printing line that are exempt from the limitations in Section 218.407 of this Subpart pursuant to the criteria in Section 218.405(c)(1) of this Subpart, but that are not exempt pursuant to the criteria in Section 218.405(c)(2) of this Subpart, shall submit a certification to the Agency that includes the information specified in subsections (b)(2)(A) through (b)(2)(C) of this Section. Such owner or operator shall also comply with the requirements in subsection (b)(2)(D) of this Section:

A) A declaration that the source is exempt from the control requirements in Section 218.407 of this Subpart because of the
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criteria in Section 218.405(c)(1) of this Subpart, but is not exempt pursuant to the criteria in Section 218.405(c)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows (the following methodology shall also be used to calculate whether a source exceeds 45.5 kg/day (100 lbs/day) for purposes of determining eligibility for the exclusions set forth in Section 218.415(c)(3), in accordance with Sections 218.411(g)(2)(A)(i):

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used.
The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines:

iv) To determine VOM emissions from cleaning solvents used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from cleaning solution in shop towels if the VOM composite vapor pressure of such cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used.

C) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;

D) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs.

c2) Unless complying with subsections (b)(1)(C) and (b)(1)(F) of this Section, an owner or operator of lithographic printing lines subject to the requirements of subsection (a) or (b) of this Section shall, on and after March 15, 1996, collect and record either the information specified in subsection (c)(1) or (c)(2)(a)(2)(A) or (a)(2)(B) of this Section for all lithographic printing lines at the source:
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1A) Standard recordkeeping, including the following:

   Ai) The name and identification of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

   Bi) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

   Ci) The VOM content and the volume of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

   Di) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month; and

   Ei) The VOM emissions in lbs/day for the month, calculated in accordance with subsection Section 218.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section Subpart, as applicable;

2B) Purchase and inventory recordkeeping, including the following:

   Ai) The name, identification, and VOM content of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

   Bi) Inventory records from the beginning and end of each month indicating the total volume of each fountain solution additive, lithographic ink, and cleaning solvent to be used on any lithographic printing line at the source;

   Ci) Monthly purchase records for each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line at the source;

   Di) A daily record which shows whether a lithographic printing line at
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the source was in operation on that day;

   Ev) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C)(a)(2)(B)(i), (a)(2)(B)(ii) and (a)(2)(B)(iii) of this Section; and

   Fvi) The VOM emissions in lbs/day for the month, calculated in accordance with subsection Section 218.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Subpart, as applicable;

3) On and after March 15, 1996, notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.

   db) An owner or operator of a heatset web offset lithographic printing line(s) subject to the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart shall comply with the following:

   1) By August 1, 2010 March 15, 1996, upon initial start-up of a new printing line, and upon initial start-up of a new control device for a heatset web offset printing line, submit a certification to the Agency that includes the following:

      A) An identification of each heatset web offset lithographic printing line at the source;

      B) A declaration that each heatset web offset lithographic printing line is in compliance with the requirements of Section 218.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) or (b) of this Subpart, as appropriate;
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C) The type of afterburner or other approved control device used to comply with the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart and the date that such device was first constructed at the source;

D) The control requirements in Section 218.407(a)(1)(C) or (b)(1) of this Subpart with which the lithographic printing line is complying;

E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and

F) A declaration that the monitoring equipment required under Section 218.407(a)(1)(D) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;
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each heatset web offset lithographic printing line subject to the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart:

A) Afterburner or other approved control device monitoring data in accordance with Section 218.410(c) or (d) of this Subpart, as applicable;

B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and

D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 218.407(a)(1)(B) of this Subpart as follows:

i) Prior to August 1, 2010, at least once per 24-hour period while the line is operating; and

ii) On and after August 1, 2010, at least once per calendar month while the line is operating

4) Notify the Agency in writing of any violation of Section 218.407(a)(1)(C) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

5) If changing its method of compliance between subsections (a)(1)(C) and (b) of Section 218.407 of this Subpart, certify compliance for the new method of compliance in accordance with subsection (d)(b)(1) of this Section at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 218.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) of this Subpart, or Section 218.407(b) of
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this Subpart, as applicable.

c) An owner or operator of a lithographic printing line subject to Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart, shall:

1) By August 1, 2010 (March 15, 1996), and upon initial start-up of a new lithographic printing line, certify to the Agency that fountain solutions used on each lithographic printing line will be in compliance with the applicable VOM content limitation. Such certification shall include:

A) Identification of each lithographic printing line at the source, by type, e.g., heatset web offset, non-heatset web offset, or sheet-fed offset;

B) Identification of each centralized fountain solution reservoir and each lithographic printing line that it serves;

C) A statement that the fountain solution will comply with the VOM content limitations in Section 218.407(a)(1)(A), (a)(2), or (a)(3), as applicable; The VOM content limitation with which each fountain solution will comply;

D) Initial documentation that each type of fountain solution will comply with the applicable VOM content limitation, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

E) Identification of the method that will be used to demonstrate continuing compliance with the applicable limitation, e.g., a refractometer, hydrometer, conductivity meter, or recordkeeping procedures with detailed description of the compliance methodology; and

F) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section.

2) Collect and record the following information for each fountain solution:
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A) The name and identification of each batch of fountain solution prepared for use on one or more lithographic printing lines, the lithographic printing line(s) or centralized reservoir using such batch of fountain solution, and the applicable VOM content limitation for the batch;

B) If an owner or operator uses a hydrometer, refractometer, or conductivity meter, pursuant to Section 218.410(b)(1)(B), to demonstrate compliance with the applicable VOM content limit in Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart:

i) The date and time of preparation, and each subsequent modification, of the batch;

ii) The results of each measurement taken in accordance with Section 218.410(b) of this Subpart;

iii) Documentation of the periodic calibration of the meter in accordance with the manufacturer's specifications, including date and time of calibration, personnel conducting, identity of standard solution, and resultant reading; and

iv) Documentation of the periodic temperature adjustment of the meter, including date and time of adjustment, personnel conducting and results;

C) If the VOM content of the fountain solution is determined pursuant to Section 218.410(b)(1)(A) of this Subpart, for each batch of as-applied fountain solution:

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

ii) Volume or weight, as applicable, and VOM content of each component used in, or subsequently added to, the fountain solution batch;

iii) Calculated VOM content of the as-applied fountain
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solution; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 218.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;

D) If the VOM content of the fountain solution is determined pursuant to Section 218.410(b)(2) of this Subpart, for each setting:

i) VOM content limit corresponding to each setting;

ii) Date and time of initial setting and each subsequent setting;

iii) Documentation of the periodic calibration of the automatic feed equipment in accordance with the manufacturer's specifications; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 218.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;

E) If the owner or operator relies on the temperature of the fountain solution to comply with the requirements in Section 218.407(a)(1)(A)(ii) or (a)(3)(B) of this Subpart:

i) The temperature of the fountain solution at each printing line, as monitored in accordance with Section 218.410(a);

and

ii) A maintenance log for the temperature monitoring devices and automatic, continuous temperature recorders detailing all routine and non-routine maintenance performed, including dates and duration of any outages;

3) Notify the Agency in writing of any violation of Section 218.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation
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4) If changing its method of demonstrating compliance with the applicable VOM content limitations in Section 218.407 of this Subpart, or changing the method of demonstrating compliance with the VOM content limitations for fountain solutions pursuant to Section 218.409 of this Subpart, certify compliance for such new method(s) in accordance with subsection (e)(1) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing line(s) will be in compliance with the applicable requirements of Section 218.407 of this Subpart.

(f4) For lithographic printing line cleaning operations, an owner or operator of a lithographic printing line subject to the requirements of Section 218.407 of this Subpart shall:

1) By August 1, 2010 (March 15, 1996), and upon initial start-up of a new lithographic printing line, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 218.405(c)(3)(C), and the handling of all cleaning materials, will be in compliance with the requirements of Section 218.407(a)(4)(A) or (a)(4)(B) and (a)(5) of this Subpart, and such certification shall also include:

A) Identification of each VOM-containing cleaning solution used on each lithographic printing line;

AB) A statement that the cleaning solution will comply with the limitations in Section 218.407(a)(4); The limitation with which each VOM-containing cleaning solution will comply, i.e., the VOM content or vapor pressure;

C) Initial documentation that each VOM-containing cleaning solution will comply with the applicable limitation, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

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

CE) A sample of the records that will be kept pursuant to subsection...
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Section 218.411(f)(2) of this Subpart; and

DF) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;

2) Collect on and after March 15, 1996, and record the following information for each cleaning solution used on each lithographic printing line:

A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.407(a)(4)(A) of this Subpart and that is prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.409(c) of this Subpart;

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

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

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

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

B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.407(a)(4)(A) of this Subpart, and that is not prepared at the source with automatic equipment:
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i) The name and identification of each cleaning solution;

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

iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.409(c) of this Subpart;

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

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.407(a)(4)(B) of this Subpart:

i) The name and identification of each cleaning solution;

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

iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 218.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in
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accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

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

v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

D) The date, time and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

3) Notify On and after March 15, 1996, notify the Agency in writing of any violation of Section 218.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

4) If changing its method of demonstrating compliance with the requirements of Section 218.407(a)(4) of this Subpart, or changing between automatic and manual methods of preparing cleaning solutions, certify compliance for such new method in accordance with subsection (d)(1) of this Section, within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing line(s) will be in compliance with the applicable requirements of Section 218.407(a)(4) of this Subpart.

g) The owner or operator of lithographic printing lines subject to one or more of the exclusions set forth in Section 218.405(c)(3) shall:
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1) By August 1, 2010, or upon initial start-up of a new lithographic printing line that is subject to one or more of the exclusions set forth in Section 218.405(c)(3), whichever is later, submit a certification to the Agency that includes either:

A) A declaration that the source is subject to one or more of the exclusions set forth in Section 218.405(c)(3) and a statement indicating which such exclusions apply to the source; or

B) A declaration that the source will not make use of any of the exclusions set forth in Section 218.405(c)(3);

2) Unless the source has certified in accordance with subsection (g)(1)(B) of this Section that it will not make use of any of the exclusions set forth in Section 218.405(c)(3):

A) Collect and record the following information for all lithographic printing lines at the source:

i) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, determined in accordance with the calculations in subsection (b)(2)(B) of this Section;

ii) The amount of cleaning materials used on lithographic printing lines at the source that does not comply with the cleaning material limitations in Section 218.407(a)(4) of this Subpart;

B) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs;
3) If changing from utilization of the exclusions set forth in Section 218.405(c)(3) to opting out of such exclusions pursuant to subsection (g)(1)(B) of this Section, or if there is a change at the source such that the exclusions no longer apply, certify compliance in accordance with subsection (g)(1)(B) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the applicable requirements of Section 218.407 of this Subpart;

4) If changing from opting out of the exclusions set forth in Section 218.405(c)(3) pursuant to subsection (g)(1)(B) of this Section to utilization of such exclusions, certify compliance in accordance with subsection (g)(1)(A) of this Section within 30 days after making such change.

The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

Provisions for Calculation of Emissions from Heatset Web Offset Lithographic Printing Operations. To calculate VOM emissions from heatset web offset lithographic printing operations for purposes other than the applicability thresholds specified in Section 218.405 of this Subpart, sources may use the following emission adjustment factors (for Annual Emissions Reports or permit limits, for example):

1) A factor of 0.80 may be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;

2) To determine VOM emissions from fountain solutions that contain no alcohol, an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

A) The VOM emitted from the fountain solution shall be calculated using the following equation:
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\[ VOM_{fs} = 0.30 \times VOM_{tot} + (0.70 \times VOM_{tot}) \times (1 - DE) \]

where:

- \( VOM_{tot} \) = Total VOM in the fountain solution;
- \( VOM_{fs} \) = VOM emitted from the fountain solution;
- \( DE \) = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, \( DE = 0 \);

B) For fountain solutions that contain alcohol, impervious substrates such as metal or plastic, or non-heatset lithographic presses, no emission adjustment factor is used;

3) To determine VOM emissions from cleaning solutions used on heatset web offset lithographic printing lines at the source, an emission adjustment factor of 0.50 may be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. To determine VOM emissions from automatic blanket wash solution with a VOM composite vapor pressure of less than 10 mmHg measured at 20°C (68°F), an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

A) The VOM emitted from the automatic blanket wash solution shall be calculated using the following equation.

\[ VOM_{bw} = 0.60 \times VOM_{tot} + (0.40 \times VOM_{tot}) \times (1 - DE) \]

where:

- \( VOM_{tot} \) = Total VOM in the blanket wash;
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\[ VOM_{\text{low}} = \text{VOM emitted from the blanket wash}; \]
\[ DE = \text{Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95\% control is represented as 0.95). If no control device is present, } DE = 0; \]

B) For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F), for shop towels that are not kept in closed containers, and for impervious substrates such as metal or plastic, no emission adjustment factor is used.

(Source: Amended at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.412 Letterpress Printing Lines: Applicability

a) Except as provided in subsection (b) of this Section, on and after August 1, 2010, the limitations in Sections 218.413 through 218.416 of this Subpart shall apply to:

1) All heatset web letterpress printing lines at a source if all heatset web letterpress printing lines (including solvents used for cleanup operations associated with heatset web letterpress printing lines) at the source have a total potential to emit 22.7 Mg (25 tons) or more of VOM per year; and

2) All letterpress printing lines at a source where the combined emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, calculated in accordance with Section 218.417(b)(1)(B).

b) Notwithstanding subsection (a) of this Section, the requirements of Section 218.413(a)(2) of this Subpart shall not apply to up to 416.3 liters (110 gallons) per year of cleaning materials used on letterpress printing lines at a subject source.

c) On and after August 1, 2010, the recordkeeping and reporting requirements in Section 218.417 of this Subpart shall apply to all owners or operators of letterpress printing lines.
d) If a letterpress printing line at a source is or becomes subject to one or more of the limitations in Section 218.413 of this Subpart, the letterpress printing lines at the source are always subject to the applicable provisions of this Subpart.

(Source: Added at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.413 Emission Limitations and Control Requirements for Letterpress Printing Lines

a) No owner or operator of letterpress printing lines subject to the requirements of this Subpart shall:

1) Cause or allow the operation of any heatset web letterpress printing line that meets the applicability requirements of Section 218.412(a)(1) unless:

A) The air pressure in the dryer is maintained lower than the air pressure of the press room, such that air flow through all openings in the dryer, other than the exhaust, is into the dryer at all times when the printing line is operating;

B) An afterburner is installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhausts are reduced as follows:

i) By 90 percent, by weight, for afterburners first constructed at the source prior to January 1, 2010;

ii) By 95 percent, by weight, for afterburners first constructed at the source on or after January 1, 2010; or

iii) To a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon);

C) The afterburner complies with all monitoring provisions specified in Section 218.416(a) of this Subpart; and

D) The afterburner is operated at all times when the printing line is in operation, except the afterburner may be shut down between...
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November 1 and April 1 as provided in Section 218.107 of this Part;

2) Cause or allow the use of a cleaning solution on any letterpress printing line unless:

A) The VOM content of the as-used cleaning solution is less than or equal to 70 percent, by weight; or

B) The VOM composite partial vapor pressure of the as-used cleaning solution is less than 10 mmHg at 20°C (68°F);

3) Cause or allow VOM-containing cleaning materials, including used cleaning towels, associated with any letterpress printing line to be kept, stored, or disposed of in any manner other than in closed containers, except when specifically in use.

b) An owner or operator of a heatset web letterpress printing line subject to the requirements of subsection (a)(1)(B) of this Section may use a control device other than an afterburner, if:

1) The control device reduces VOM emissions from the press dryer exhausts as follows:

A) By 90 percent, by weight, for control devices first constructed at the source prior to January 1, 2010;

B) By 95 percent, by weight, for control devices first constructed at the source on or after January 1, 2010; or

C) To a maximum control device exhaust outlet concentration of 20 ppmv (as carbon);

2) The owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; and

3) The use of the control device in accordance with this plan is approved by the Agency and USEPA as federally enforceable permit conditions.
Section 218.415 Testing for Letterpress Printing Lines

a) Testing to demonstrate compliance with the requirements of Section 218.413 of this Subpart shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator, and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

b) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

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

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

A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

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

4) Notwithstanding the criteria or requirements in Method 25 which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);

5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and

6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 218.413(a)(1)(A) of this Subpart.

c) Testing to demonstrate compliance with the VOM content limitations in Section 218.413(a)(2)(A) of this Subpart, and to determine the VOM content of cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 218.417(b)(1)(B) of this Subpart), shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 218.112 of this Part, shall be used to demonstrate compliance; or
2) The manufacturer's specifications for VOM content for cleaning solvents and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

d) Testing to demonstrate compliance with the requirements of Section 218.413(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 218.413(b) of this Subpart.

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

(Source: Added at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.416 Monitoring Requirements for Letterpress Printing Lines

a) Afterburners for Heatset Web Letterpress Printing Lines. If an afterburner is used to demonstrate compliance, the owner or operator of a heatset web letterpress printing line subject to Section 218.413(a)(1)(B) of this Subpart shall:

1) Install, calibrate, maintain, and operate temperature monitoring devices with an accuracy of 3°C or 5°F on the afterburner in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the afterburner is operating; and

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

b) Other Control Devices for Heatset Web Letterpress Printing Lines. If a control device other than an afterburner is used to demonstrate compliance, the owner or operator of a heatset web letterpress printing line subject to this Subpart shall
install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner or operator's plan approved by the Agency and USEPA pursuant to Section 218.413(b) of this Subpart.

c) Cleaning Solution

1) The owner or operator of any letterpress printing line relying on the VOM content of the cleaning solution to comply with Section 218.413(a)(2)(A) of this Subpart must:

   A) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):

      i) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and

      ii) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 218.413(a)(2)(A) of this Subpart;

   B) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 218.417(c)(2) of this Subpart.

2) The owner or operator of any letterpress printing line relying on the vapor pressure of the cleaning solution to comply with Section 218.413(a)(2)(B) of this Subpart must keep records for such cleaning solutions used on any such lines as set forth in Section 218.417(c)(2)(C) of this Subpart.

(Source: Added at 34 Ill. Reg. 9096, effective June 25, 2010)

Section 218.417 Recordkeeping and Reporting for Letterpress Printing Lines
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a) By August 1, 2010, or upon initial start-up of a new heatset web letterpress printing line, whichever is later, and upon modification of a heatset web letterpress printing line, an owner or operator of a heatset web letterpress printing line exempt from any of the limitations of Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(1) shall submit a certification to the Agency that includes:

1) A declaration that the source is exempt from the requirements in Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(1) of this Subpart;

2) Calculations which demonstrate that the source's total potential to emit VOM does not equal or exceed 22.7 Mg (25 tons) per year.

b) An owner or operator of a letterpress printing line exempt from any of the limitations of Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(2) shall:

1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, and upon modification of a letterpress printing line, submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A) through (b)(1)(C) of this Section, or subsections (b)(1)(A) and (b)(1)(D) of this Section, as applicable:

A) A declaration that the source is exempt from the control requirements in Section 218.413 of this Part because of the criteria in Section 218.412(a)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) and divide this amount by the
number of days during that calendar month that letterpress printing lines at the source were in operation;

ii) To determine the VOM content of the inks and cleaning solvents, the tests methods and procedures set forth in Section 218.415(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on letterpress printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from cleaning solutions used on letterpress printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. Otherwise, no retention factor is used;

C) A description and the results of all tests used to determine the VOM content of inks and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.415(c)(1) of this Subpart;

D) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) or (b)(1)(D)(ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance
with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days of the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection as an alternative to the calculations in subsection (b)(1)(B).

i) The sum of all sheetfed and nonheatset web letterpress printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent; or

ii) The sum of all heatset web letterpress printing operations at the source: 204.1 kg (450 lbs) of ink and cleaning solvent;

2) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs;

3) For sources complying with subsection (b)(1)(D) of this Section, comply with the following:

A) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) and (b)(1)(D)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM;

B) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(D) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs.
c) Unless complying with subsections (b)(1)(D) and (b)(3) of this Section, on and after August 1, 2010, an owner or operator of a letterpress printing line subject to the requirements in subsections (a) or (b) of this Section shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all letterpress printing lines at the source:

1) Standard recordkeeping, including the following:

A) The name and identification of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

B) A daily record that shows whether a letterpress printing line at the source was in operation on that day;

C) The VOM content and the volume of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month; and

E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;

2) Purchase and inventory recordkeeping, including the following:

A) The name, identification, and VOM content of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

B) Inventory records from the beginning and end of each month indicating the total volume of each letterpress ink, and cleaning solvent to be used on any letterpress printing line at the source;

C) Monthly purchase records for each letterpress ink and cleaning solvent used on any letterpress printing line at the source;
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D) A daily record that shows whether a letterpress printing line at the source was in operation on that day;

E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment factor) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section; and

F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;

d) An owner or operator of a heatset web letterpress printing lines subject to the control requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart shall comply with the following:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon initial start-up of a new control device for a heatset web printing line, submit a certification to the Agency that includes the following:

A) An identification of each heatset web letterpress printing line at the source;

B) A declaration that each heatset web letterpress printing line is in compliance with the requirements of Section 218.413 (a)(1) or (b) of this Subpart, as appropriate;

C) The type of afterburner or other approved control device used to comply with the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, and the date that such device was first constructed at the subject source;

D) The control requirements in Section 218.413(a)(1)(B) or (b)(1) of this Subpart with which the letterpress printing line is complying;
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E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and

F) A declaration that the monitoring equipment required under Section 218.413(a)(1)(C) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;

2) If testing of the afterburner or other approved control device is conducted pursuant to Section 218.415(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the letterpress printing lines is in compliance with Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable, have been properly performed;

B) A statement whether the heatset web letterpress printing lines are or are not in compliance with Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and

C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 218.416(a) or (b) of this Subpart, as applicable;

3) Except as provided in subsection (d)(3)(D) of this Section, collect and record daily the following information for each heatset web letterpress printing line subject to the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart:

A) Afterburner or other approved control device monitoring data in accordance with Section 218.416(a) or (b) of this Subpart, as applicable;
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B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and

D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 218.413(a)(1)(A) of this Subpart at least once per calendar month while the line is operating;

4) Notify the Agency in writing of any violation of Section 218.413(a)(1)(B) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

5) If changing the method of compliance between Sections 218.413(a)(1)(B) and 218.413(b) of this Subpart, certify compliance for the new method of compliance in accordance with Section 218.413(b) at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 218.413(a)(1) of this Subpart, or Section 218.413(b) of this Subpart, as applicable.

e) For letterpress printing line cleaning operations, an owner or operator of a letterpress printing line subject to the requirements of Section 218.413 of this Subpart shall:

1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 218.412(b), and the handling of all cleaning materials will be in compliance with the requirements of Section 218.413(a)(2)(A) or (a)(2)(B) and (a)(3) of this Subpart. Such certification shall include:
NOTICE OF ADOPTED AMENDMENTS

A) A statement that the cleaning solution will comply with the limitations in Section 218.413(a)(2);

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

C) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section; and

D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;

2) Collect and record the following information for each cleaning solution used on each letterpress printing line:

A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.413(a)(2)(A) of this Subpart and that is prepared at the source with automatic equipment:

   i) The name and identification of each cleaning solution;

   ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.415(c) of this Subpart;

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

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

   v) The VOM content of the as-used cleaning solution, with supporting calculations; and
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vi) A calibration log for the automatic equipment, detailing periodic checks;

B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.413(a)(2)(A) of this Subpart, and that is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

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

iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.415(c) of this Subpart;

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

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.413(a)(2)(B) of this Subpart:

i) The name and identification of each cleaning solution;

ii) Date and time of preparation, and each subsequent modification, of the batch;
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iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 218.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer’s specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

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

v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

D) The date, time, and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

E) The amount of cleaning materials used on letterpress printing lines at the source that do not comply with the cleaning material limitations set forth in Section 218.413(a)(2) of this Subpart;

3) Notify the Agency in writing of any violation of Section 218.413 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.

f) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.
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(Source: Added at 34 Ill. Reg. 9096, effective June 25, 2010)
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1) **Heading of the Part:** Organic Material Emission Standards and Limitations for the Metro East Area

2) **Code Citation:** 35 Ill. Adm. Code 219

3) **Section Numbers:**

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

5) **Effective Date of Amendments:** June 25, 2010

6) **Does this rulemaking contain an automatic repeal date?** No
POLLUTION CONTROL BOARD

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7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and are available there for public inspection.

9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 1941; February 5, 2010

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In proceeding from its first-notice proposal to final adoption in this docket, the Board made changes proposed by the Illinois Environmental Protection Agency in a motion to amend its rulemaking proposal.

   1) In response to an Agency first-notice comment filed February 17, 2010, the Board corrected cross-references as necessitated by the re-formatting of Section 219.401(c)(1), and deleted language in Sections 219.404(b)(1)(B) and (d)(1)(D) as addressed in a previous Agency motion to amend its original rulemaking proposal.

   2) In response to a comment by consultants with Mostardi Platt filed on April 9, 2010, and reflecting the Agency's concurrence in a comment filed April 26, 2010, the Board extended the Agency's original May 1, 2010 compliance date to August 1, 2010. In a comment filed on April 30, 2010, the Agency clarified that it had not proposed to extend the April 2, 2011 compliance date in provisions addressing industrial cleaning solvents.

The Board's opinion and order adopting these rules addresses changes made by the Board in proceeding from first notice to final adoption. See Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-8 (June 17, 2010). Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312-814-3620. Please refer to the Board docket number R10-8 in your request. The Board order is also available through the Board's Web site (www.ipcb.state.il.us).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
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13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

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15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, please see the Board's June 17, 2010, opinion and order. Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-8 (June 17, 2010). The Illinois Environmental Protection Agency (Agency) filed this rulemaking proposal to meet Illinois’ obligation to submit a State Implementation Plan addressing requirements under Sections 172 and 182 of the federal Clean Air Act, 42 U.S.C. § 7401 et seq., for sources of volatile organic material emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. The United States Environmental Protection Agency (USEPA) issued Control Techniques Guidelines (CTGs) for the following Group II Consumer and Commercial Product Categories: industrial cleaning solvents, flat wood
paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials. In the CTGs, the USEPA recommended measures that it believes constitute reasonably available control technology for those product categories. The Agency proposed to amend Part 219 to implement such recommendations for the Metro East nonattainment area.

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

Timothy J. Fox  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL  60601

312/814-6085  
foxt@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R10-8 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219
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<tr>
<td>219.602</td>
<td>Exemptions (Repealed)</td>
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<td>219.603</td>
<td>Leaks (Repealed)</td>
</tr>
<tr>
<td>219.604</td>
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<td>219.605</td>
<td>Compliance Plan (Repealed)</td>
</tr>
<tr>
<td>219.606</td>
<td>Exception to Compliance Plan (Repealed)</td>
</tr>
<tr>
<td>219.607</td>
<td>Standards for Petroleum Solvent Dry Cleaners</td>
</tr>
<tr>
<td>219.608</td>
<td>Operating Practices for Petroleum Solvent Dry Cleaners</td>
</tr>
<tr>
<td>219.609</td>
<td>Program for Inspection and Repair of Leaks</td>
</tr>
</tbody>
</table>
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219.611 Exemption for Petroleum Solvent Dry Cleaners
219.612 Compliance Dates (Repealed)
219.613 Compliance Plan (Repealed)

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


SUBPART A: GENERAL PROVISIONS

Section 219.106 Compliance Dates

a) Except as provided in subsection (b) or (c) above, compliance with the requirements of this Part is required by May 15, 1992, consistent with the provisions of Section 219.103 of this Part.

b) As this Part is amended from time to time, compliance dates included in the specific Subparts supersede the requirements of this Section except as limited by Section 219.101(b) of this Subpart.

c) Any owner or operator of a source subject to the requirements of Section 219.204(c)(2), 219.204(g)(2), or 219.204(h)(2) of this Part shall comply with the
applicable requirements in the applicable subsections, as well as all applicable requirements in Sections 219.205 through 219.214 and 219.218, by May 1, 2011.

d) Any owner or operator of a source subject to the requirements of Section 219.204(o) of this Part shall comply with the requirements in Section 219.204(o), as well as all applicable requirements in Sections 219.205 through 219.211, 219.214, and 219.217 by August 1, 2010.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

SUBPART E: SOLVENT CLEANING

Section 219.181 Solvent Cleaning Degreasing Operations in General

The requirements of Sections 219.182, 219.183, 219.184, and 219.186 of this Subpart shall apply to all cold cleaning, open top vapor degreasing, and conveyorized degreasing operations which use volatile organic materials.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.187 Other Industrial Solvent Cleaning Operations

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

1) Except as provided in subsection (a)(2) of this Section, the requirements of this Section shall apply to all cleaning operations that use organic materials at sources that emit a total of 6.8 kg/day (15 lbs/day) or more of VOM from cleaning operations at the source, in the absence of air pollution control equipment. For purposes of this Section, "cleaning operation" means the process of cleaning products, product components, tools, equipment, or general work areas during production, repair, maintenance or servicing, including but not limited to spray gun cleaning, spray booth cleaning, large and small manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, and tank cleaning, at sources with emission units;

2) Notwithstanding subsection (a)(1) of this Section:
A) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (d), (f), and (g) of this Section:

i) Cleaning operations subject to the limitations in Sections 219.182, 219.183, or 219.184;

ii) Janitorial cleaning;

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

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

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

i) Aerospace coating;

ii) Flexible package printing;

iii) Lithographic printing;

iv) Letterpress printing;

v) Flat wood paneling coating;

vi) Large appliance coating;

vii) Metal furniture coating;

viii) Paper, film, and foil coating;

ix) Wood furniture coating;

x) Shipbuilding and repair coating;
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xi) Plastic parts coating;

xii) Miscellaneous metal parts coating;

xiii) Fiberglass boat manufacturing;

xiv) Miscellaneous industrial adhesives; and

xv) Auto and light-duty truck assembly coating;

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

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

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

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

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

v) Cleaning of medical device and pharmaceutical manufacturing facilities using no more than 1.5 gallons per day of solvents;

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

vii) Cleaning of electronic or electrical cables;

viii) Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached;
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ix) Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery products using no more than three gallons per day of ethyl acetate;

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

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

xii) Cleaning of ultraviolet or electron beam adhesive application;

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

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

xv) Cleaning of numismatic dies; and

xvi) Cleaning operations associated with digital printing.

b) Material and Control Requirements. No owner or operator of a source subject to this Section shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in subsection (b)(1), (b)(2), or (b)(3):

1) The VOM content of the as-used cleaning solutions (minus water and any compounds that are specifically exempted from the definition of VOM) does not exceed the following emissions limitations:

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

   i) Electrical apparatus components
      kg/l  lb/gal
      0.10  0.83
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### and electronic components

<table>
<thead>
<tr>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>ii) Medical device and pharmaceutical manufacturing</td>
<td>0.80</td>
<td>6.7</td>
</tr>
</tbody>
</table>

### Repair and maintenance cleaning:

<table>
<thead>
<tr>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Electrical apparatus components and electronic</td>
<td>0.10</td>
<td>0.83</td>
</tr>
<tr>
<td>ii) Medical device and pharmaceutical manufacturing: tools, equipment, and machinery</td>
<td>0.80</td>
<td>6.7</td>
</tr>
<tr>
<td>iii) Medical device and pharmaceutical manufacturing: general work surfaces</td>
<td>0.60</td>
<td>5.0</td>
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</tbody>
</table>

### Cleaning of ink application equipment:

<table>
<thead>
<tr>
<th>Description</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Rotogravure printing that does not print flexible packaging</td>
<td>0.10</td>
<td>0.83</td>
</tr>
<tr>
<td>ii) Screen printing</td>
<td>0.50</td>
<td>4.2</td>
</tr>
<tr>
<td>iii) Ultraviolet ink and electron beam ink application equipment, except screen printing</td>
<td>0.65</td>
<td>5.4</td>
</tr>
<tr>
<td>iv) Flexographic printing that does not print flexible packaging</td>
<td>0.10</td>
<td>0.83</td>
</tr>
</tbody>
</table>

### All other cleaning operations not subject to a specific limitation in subsections (b)(1)(A) through (b)(1)(C) of this Section

<table>
<thead>
<tr>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.050</td>
<td>0.42</td>
</tr>
</tbody>
</table>
2) The composite vapor pressure of each as-used cleaning solution used does not exceed 8.0 mmHg measured at 20°C (68°F); or

3) An afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall. The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if such device reduces VOM emissions from the subject cleaning operation by at least 85 percent overall, the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for such control device, and such plan is approved by the Agency and USEPA within federally enforceable permit conditions.

c) The owner or operator of a subject source shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in subsection (g) of this Section and by complying with the recordkeeping and reporting requirements specified in subsection (e) of this Section.

d) Operating Requirements. The owner or operator of a source subject to the requirements of this Section shall comply with the following for each subject cleaning operation:

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

2) Minimize air circulation around the cleaning operation;

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

4) Utilize equipment practices that minimize emissions.

e) Recordkeeping and Reporting Requirements

1) The owner or operator of a source exempt from the limitations of this Section because of the criteria in Section 219.187(a)(1) of this Subpart shall comply with the following:
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A) By April 1, 2011, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:

i) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 219.187(a)(1);

ii) Calculations that demonstrate that combined emissions of VOM from cleaning operations at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment;

B) Notify the Agency of any record that shows that the combined emissions of VOM from cleaning operations at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.

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

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

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

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

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

iv) Initial documentation that each subject cleaning operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
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v) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;

vi) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 219.187(d); and

vii) A description of each cleaning operation exempt pursuant to Section 219.187(a)(2), if any, and a listing of the emission units on which the exempt cleaning operation is performed;

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

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

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

i) The name and identification of each cleaning solution;

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

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

iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
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v) The VOM content of the as-used cleaning solution, with supporting calculations; and

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

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

i) The name and identification of each cleaning solution;

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

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

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

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are not prepared at the site but are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;

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

A) The name and identification of each cleaning solution;

B) Date, time of preparation, and each subsequent modification of the batch;
C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;

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

E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;

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

A) By April 1, 2011, or upon initial start-up of the source, whichever is later, and upon initial start-up of a new emissions control system, include in the certification required by subsection (e)(3) of this Section a declaration that the monitoring equipment required under Section 219.187(f) of this Subpart has been properly installed and calibrated according to manufacturer's specifications;

B) If testing of an emissions control system is conducted pursuant to Section 219.187(g) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

i) A declaration that all tests and calculations necessary to demonstrate compliance with Section 219.187(b)(3) of this Subpart have been properly performed;

ii) A statement whether the subject cleaning operation is or is not in compliance with Section 219.187(b)(3) of this Subpart; and
iii) The operating parameters of the emissions control system during testing, as monitored in accordance with Section 219.187(f) of this Subpart;

C) Collect and record daily the following information for each cleaning operation subject to the requirements of Section 219.187(b)(3) of this Subpart:

i) Emissions control system monitoring data in accordance with Section 219.187(f) of this Subpart, as applicable;

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

iii) A maintenance log for the emissions control system and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;

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

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

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

6) All sources subject to the requirements of subsections (b) and (d) of this Section shall notify the Agency of any violation of subsection (b) or (d) by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation;
7) All records required by this subsection (e) shall be retained by the source for at least three years and shall be made available to the Agency upon request.

f) Monitoring Requirements

1) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.187(b)(3) of this Subpart shall:

   A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and

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

2) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.187(b)(3) of this Subpart shall install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.187(b)(3).

g) Testing Requirements

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

2) Testing to demonstrate compliance with the VOM content limitations in Section 219.187(b)(1) of this Subpart, and to determine the VOM content of cleaning solvents and cleaning solutions, shall be conducted as follows:

A) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 219.112 of this Part, shall be used to demonstrate compliance; or

B) The manufacturer's specifications for VOM content for cleaning solvents may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance;

3) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;

4) For afterburners and carbon adsorbers, the methods and procedures of Section 219.105(d) through (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.187(b)(3) of this Subpart, as follows:

A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, Appendix A, incorporated by reference in Section 219.112 of this Part;

B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, Appendix A, incorporated by reference in Section 219.112 of this Part;

C) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or
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25A, as appropriate, 40 CFR 60, Appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

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

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

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

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

5) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 219.187(b)(3) of this Subpart as set forth in the owner's or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 219.187(b)(3) of this Subpart.
Section 219.204 Emission Limitations

Except as provided in Sections 219.205, 219.207, 219.208, 219.212, 219.215 and 219.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as otherwise provided in subsections (c), (g), (h), and (o) of this Section, compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(c) of this Subpart except where noted. (Note: The equation presented in Section 219.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.) The emission limitations are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Automobile or Light-Duty Truck Coating</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>Prime coat</td>
<td>0.14</td>
<td>(1.2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.14*</td>
<td>(1.2)*</td>
</tr>
<tr>
<td>2)</td>
<td>Primer surface coat</td>
<td>1.81</td>
<td>(15.1)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.81*</td>
<td>(15.1)*</td>
</tr>
</tbody>
</table>

(Note: The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surface operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency.
and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surface limitation.)

3) Topcoat

<table>
<thead>
<tr>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
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<tr>
<td>1.81</td>
<td>(15.1)</td>
</tr>
<tr>
<td>1.81*</td>
<td>(15.1)*</td>
</tr>
</tbody>
</table>

(Note: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 of this Part does not apply to the topcoat limitation.)

4) Final repair coat

<table>
<thead>
<tr>
<th>kg/l</th>
<th>lb/gal</th>
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<tbody>
<tr>
<td>0.58</td>
<td>(4.8)</td>
</tr>
<tr>
<td>0.58*</td>
<td>(4.8)*</td>
</tr>
</tbody>
</table>

b) Can Coating

1) Sheet basecoat and overvarnish

   A) Sheet basecoat  
      | kg/l  | lb/gal |
      | 0.34  | (2.8)  |
      | 0.26* | (2.2)* |

   B) Overvarnish  
      | kg/l  | lb/gal |
      | 0.34  | (2.8)  |
      | 0.34  | (2.8)* |

2) Exterior basecoat and overvarnish  

   | kg/l  | lb/gal |
   | 0.34  | (2.8)  |
   | 0.25* | (2.1)* |

3) Interior body spray coat

   A) Two piece  
      | kg/l  | lb/gal |
      | 0.51  | (4.2)  |
      | 0.44* | (3.7)* |

   B) Three piece  
      | kg/l  | lb/gal |
      | 0.51  | (4.2)  |
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4) Exterior end coat 0.51 (4.2)
4) Exterior end coat 0.51* (4.2)*

5) Side seam spray coat 0.66 (5.5)
5) Side seam spray coat 0.66* (5.5)*

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

c) Paper Coating

1) Prior to May 1, 2011: kg/l lb/gal
   0.28 (2.3)

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

3) The paper coating limitation set forth in this subsection (c) shall not apply to any owner or operator of any paper coating line on which flexographic or rotogravure, lithographic, or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H Section 219.401 of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part. On and after May 1, 2011, the paper coating limitation shall also not apply to coating performed on or in-line with any digital printing press, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.

d) Coil Coating kg/l lb/gal
   0.31 (2.6)
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th></th>
<th>Product Category</th>
<th>Prior to May 1, 2011</th>
<th>On and after May 1, 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>e)</td>
<td>Fabric Coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f)</td>
<td>Vinyl Coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g)</td>
<td>Metal Furniture Coating</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1) Prior to May 1, 2011:

- **A)** Air Dried: 0.34 (2.8) kg/l
- **B)** Baked: 0.28 (2.3) kg/l

2) On and after May 1, 2011:

- **A)** General, One Component: 0.275 (2.3) kg/l, 0.40 (3.3) kg/l (lb/gal) solids applied
- **B)** General, Multi-Component:
  - i) Air Dried: 0.340 (2.8) kg/l, 0.55 (4.5) kg/l (lb/gal) solids applied
  - ii) Baked: 0.360 (3.0) kg/l, 0.61 (5.1) kg/l (lb/gal) solids applied
- **C)** Extreme High Gloss:
  - i) Air Dried: 0.340 (2.8) kg/l, 0.55 (4.5) kg/l (lb/gal) solids applied
  - ii) Baked: 0.360 (3.0) kg/l, 0.61 (5.1) kg/l (lb/gal) solids applied
- **D)** Extreme Performance:
  - i) Air Dried: 0.420 (3.5) kg/l, 0.80 (6.7) kg/l (lb/gal) solids applied
  - ii) Baked: 0.360 (3.0) kg/l, 0.61 (5.1) kg/l (lb/gal) solids applied
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Prior to May 1, 2011</th>
<th>On and after May 1, 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(kg/l lb/gal)</td>
<td>(kg/l lb/gal)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>solids applied</td>
<td></td>
</tr>
<tr>
<td>E)</td>
<td>Heat Resistant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Air Dried</td>
<td></td>
<td>0.420 0.80</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.0) (5.1)</td>
<td></td>
</tr>
<tr>
<td>ii) Baked</td>
<td></td>
<td>0.360 0.61</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.0) (5.1)</td>
<td></td>
</tr>
<tr>
<td>F)</td>
<td>Metallic</td>
<td>0.420 0.80</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.5) (6.7)</td>
<td></td>
</tr>
<tr>
<td>G)</td>
<td>Pretreatment Coatings</td>
<td>0.420 0.80</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.5) (6.7)</td>
<td></td>
</tr>
<tr>
<td>H)</td>
<td>Solar Absorbent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Air Dried</td>
<td></td>
<td>0.420 0.80</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.5) (6.7)</td>
<td></td>
</tr>
<tr>
<td>ii) Baked</td>
<td></td>
<td>0.360 0.61</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.0) (5.1)</td>
<td></td>
</tr>
<tr>
<td>3)</td>
<td>On and after May 1, 2011, the limitations set forth in this subsection (g) shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h)</td>
<td>Large Appliance Coating</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1)</td>
<td>Prior to May 1, 2011:</td>
<td>kg/l lb/gal</td>
<td></td>
</tr>
<tr>
<td>A) Air Dried</td>
<td></td>
<td>0.34 0.28</td>
<td></td>
</tr>
<tr>
<td>B) Baked</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2)</td>
<td>On and after May 1, 2011:</td>
<td>kg/l (lb/gal) solids applied</td>
<td></td>
</tr>
<tr>
<td>A) General, One Component</td>
<td></td>
<td>0.275 0.40</td>
<td></td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

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B) General, Multi-Component
   i) Air Dried 0.340 0.55  
      (2.8) (4.5) 
   ii) Baked 0.275 0.40  
       (2.3) (3.3) 

C) Extreme High Gloss
   i) Air Dried 0.340 0.55  
      (2.8) (4.5) 
   ii) Baked 0.360 0.61  
       (3.0) (5.1) 

D) Extreme Performance
   i) Air Dried 0.420 0.80  
      (3.5) (6.7) 
   ii) Baked 0.360 0.61  
       (3.0) (5.1) 

E) Heat Resistant
   i) Air Dried 0.420 0.80  
      (3.5) (6.7) 
   ii) Baked 0.360 0.61  
       (3.0) (5.1) 

F) Metallic 0.420 0.80  
       (3.5) (6.7) 

G) Pretreatment Coatings 0.420 0.80  
      (3.5) (6.7) 

H) Solar Absorbent
   i) Air Dried 0.420 0.80
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(3.5) (6.7)

| ii) Baked       | 0.360  | 0.61  |

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

i) Magnet Wire Coating
   kg/l       lb/gal
   0.20       (1.7)
   0.20*      (1.7)*

j) Miscellaneous Metal Parts and Products Coating

1) Clear coating
   0.52       (4.3)
   0.52*      (4.3)*

2) Extreme performance coating
   A) Air dried
      0.42       (3.5)
      0.42*      (3.5)*
   B) Baked
      0.42       (3.5)
      0.40*      (3.3)*

3) Steel pail and drum interior coating
   0.52       (4.3)
   0.52*      (4.3)*

4) All other coatings
   A) Air dried
      0.42       (3.5)
      0.40*      (3.3)*
   B) Baked
      0.36       (3.0)
      0.34*      (2.8)*
### Metallic Coating

<table>
<thead>
<tr>
<th>Type</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air dried</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
<tr>
<td>Baked</td>
<td>0.36</td>
<td>(3.0)</td>
</tr>
<tr>
<td></td>
<td>0.36</td>
<td>(3.0)*</td>
</tr>
</tbody>
</table>

### Heavy Off-Highway Vehicle Products Coating

<table>
<thead>
<tr>
<th>Type</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extreme performance prime coat</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
<tr>
<td>Extreme performance topcoat (air dried)</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
<tr>
<td>Final repair coat (air dried)</td>
<td>0.42</td>
<td>(3.5)</td>
</tr>
<tr>
<td></td>
<td>0.42*</td>
<td>(3.5)*</td>
</tr>
</tbody>
</table>

### Wood Furniture Coating

<table>
<thead>
<tr>
<th>Type</th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear topcoat</td>
<td>0.67</td>
<td>(5.6)</td>
</tr>
<tr>
<td>Opaque stain</td>
<td>0.56</td>
<td>(4.7)</td>
</tr>
<tr>
<td>Pigmented coat</td>
<td>0.60</td>
<td>(5.0)</td>
</tr>
<tr>
<td>Repair coat</td>
<td>0.67</td>
<td>(5.6)</td>
</tr>
<tr>
<td>Sealer</td>
<td>0.67</td>
<td>(5.6)</td>
</tr>
<tr>
<td>Semi-transparent stain</td>
<td>0.79</td>
<td>(6.6)</td>
</tr>
<tr>
<td>Wash coat</td>
<td>0.73</td>
<td>(6.1)</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

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

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>kg VOM/kg solids</th>
<th>lb VOM/lb solids</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Topcoat</td>
<td>0.8</td>
<td>(0.8)</td>
</tr>
<tr>
<td>B</td>
<td>Sealers and topcoats with the following limits:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i</td>
<td>Sealer other than acid-cured alkyd amino vinyl sealer</td>
<td>1.9</td>
<td>(1.9)</td>
</tr>
<tr>
<td>ii</td>
<td>Topcoat other than acid-cured alkyd amino conversion varnish topcoat</td>
<td>1.8</td>
<td>(1.8)</td>
</tr>
<tr>
<td>iii</td>
<td>Acid-cured alkyd amino vinyl sealer</td>
<td>2.3</td>
<td>(2.3)</td>
</tr>
<tr>
<td>iv</td>
<td>Acid-cured alkyd amino conversion varnish topcoat</td>
<td>2.0</td>
<td>(2.0)</td>
</tr>
</tbody>
</table>

C) Meet the provisions of Section 219.215 of this Subpart for use of an averaging approach;
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D) Achieve a reduction in emissions equivalent to the requirements of subsection Section 219.204(l)(2)(A) or (B) of this Subpart, as calculated using Section 219.216 of this Subpart; or

E) Use a combination of the methods specified in subsections Section 219.204(l)(2)(A) through (D) of this Subpart.

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

<table>
<thead>
<tr>
<th></th>
<th>kg/l</th>
<th>lb/gal</th>
</tr>
</thead>
<tbody>
<tr>
<td>A)</td>
<td>0.56</td>
<td>(4.7)</td>
</tr>
<tr>
<td>B)</td>
<td>0.60</td>
<td>(5.0)</td>
</tr>
<tr>
<td>C)</td>
<td>0.67</td>
<td>(5.6)</td>
</tr>
<tr>
<td>D)</td>
<td>0.79</td>
<td>(6.6)</td>
</tr>
<tr>
<td>E)</td>
<td>0.73</td>
<td>(6.1)</td>
</tr>
</tbody>
</table>

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

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

B) Any source subject to the limitations of subsection (l)(2) or (3) of this Section shall comply with the requirements of Section 219.217 of this Subpart.

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

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

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

m) Plastic Parts Coating: Automotive/Transportation  kg/l  lb/gal

1) Interiors

A) Baked

i) Color coat  0.49*  (4.1)*

ii) Primer  0.46*  (3.8)*

B) Air Dried

i) Color coat  0.38*  (3.2)*

ii) Primer  0.42*  (3.5)*

2) Exteriors (flexible and non-flexible)

A) Baked

i) Primer  0.60*  (5.0)*

ii) Primer non-flexible  0.54*  (4.5)*

iii) Clear coat  0.52*  (4.3)*

iv) Color coat  0.55*  (4.6)*

B) Air Dried

i) Primer  0.66*  (5.5)*
POLLUTION CONTROL BOARD

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ii) Clear coat 0.54* (4.5)*
iii) Color coat (red & black) 0.67* (5.6)*
iv) Color coat (others) 0.61* (5.1)*

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

n) Plastic Parts Coating: Business Machine kg/l lb/gal
   1) Primer 0.14* (1.2)*
   2) Color coat (non-texture coat) 0.28* (2.3)*
   3) Color coat (texture coat) 0.28* (2.3)*
   4) Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings 0.48* (4.0)*
   5) Specialty Coatings
      A) Soft coat 0.52* (4.3)*
      B) Plating resist 0.71* (5.9)*
      C) Plating sensitizer 0.85* (7.1)*
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o) Flat Wood Paneling Coatings. On and after August 1, 2010, flat wood paneling coatings shall comply with one of the following limitations:

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

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

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.205 Daily-Weighted Average Limitations

No owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart and complying by means of this Section shall operate the subject coating line unless the owner or operator has demonstrated compliance with subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of this Section (depending upon the category of coating) through the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(d) of this Subpart:

a) No owner or operator of a coating line subject to only one of the limitations from among Section 219.204(a)(1), (a)(4), (d), (e), (f), (i), (o), or, prior to May 1, 2011, (c) of this Subpart shall apply coatings on any such coating line, during any day, whose daily-weighted average VOM content exceeds the emission limitation to which the coatings are subject.

b) No owner or operator of a miscellaneous metal parts and products coating line subject to the limitations of Section 219.204(j) of this Subpart shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(j) of this Subpart during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(j) of this Subpart, during the same day, the owner or operator shall have a site-specific proposal
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approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

c) No owner or operator of a can coating line subject to the limitations of Section 219.204(b) of this Subpart shall operate the subject coating line using a coating with a VOM content in excess of the limitations specified in Section 219.204(b) of this Subpart unless all of the following requirements are met:

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

\[ E_b = \sum_{i=1}^{n} V_i C_i \]

where:

\[ E_d = \text{Actual VOM emissions for the day in units of kg/day (lbs/day);} \]

\[ i = \text{Subscript denoting a specific coating applied;} \]

\[ n = \text{Total number of coatings applied in the can coating operation, i.e., all can coating lines at the source;} \]

\[ V_i = \text{Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that which are specifically exempted from the definition of VOM);} \]

\[ C_i = \text{The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that which are specifically exempted from the definition of VOM).} \]
2) The alternative daily emission limitation \( A_d \) shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, on a daily basis as follows:

\[
A_d = \sum_{i=1}^{n} V_i L_i \frac{(D_i - C_i)}{(D_i - L_i)}
\]

where:

- \( A_d \) = The VOM emissions allowed for the day in units of kg/day (lbs/day);
- \( i \) = Subscript denoting a specific coating applied;
- \( n \) = Total number of surface coatings applied in the can coating operation;
- \( C_i \) = The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);
- \( D_i \) = The density of VOM in each coating applied. For the purposes of calculating \( A_d \), the density is 0.882kg VOM/l VOM (7.36 lbs VOM/gal VOM);
- \( V_i \) = Volume of each surface coating applied for the day in units of l (gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);
- \( L_i \) = The VOM emission limitation for each surface coating applied as specified in Section 219.204(b) of this Subpart in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).

d) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 219.204(k) of this Subpart shall apply coatings to heavy off-highway vehicle products on the subject coating line unless
the requirements of subsection (d)(1) or (d)(2) of this Section are met.

1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(k) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used or

2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(k) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

e) No owner or operator of a wood furniture coating line subject to the limitations of Section 219.204(l)(1) or (l)(3) of this Subpart shall apply coatings to wood furniture on the subject coating line unless the requirements of subsection (e)(1) or (e)(2) of this Section, in addition to the requirements specified in the note to Section 219.204(l)(1) of this Subpart, are met.

1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(l)(1) or (l)(3) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used or

2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(l)(1) or (l)(3) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

f) No owner or operator of a plastic parts coating line subject to the limitations of
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Section 219.204(m) or (n) of this Subpart shall apply coatings to business machine or automotive/transportation plastic parts on the subject coating line unless the requirements of subsection (f)(1) or (f)(2) of this Section are met.

1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(m) or (n) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(m) or (n) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

g) No owner or operator of a metal furniture coating line subject to the limitations of Section 219.204(g) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (g)(1) or (g)(2) of this Section are met:

1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(g) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(g) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

h) No owner or operator of a large appliance coating line subject to the limitations of Section 219.204(h) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (h)(1) or (h)(2) of this Section are met.
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1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(h) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(h) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

i) On and after May 1, 2011, no owner or operator of a paper coating line subject to the limitations of Section 219.204(c) of this Subpart shall apply coatings on the subject coating line unless the requirements in subsection (i)(1) or (i)(2) of this Section are met:

1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(c) during the same day (e.g., all coatings used on the line are subject to 0.40 kg/kg solids (0.08 kg/kg coatings)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(c) during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.207 Alternative Emission Limitations

a) Any owner or operator of a coating line subject to Section 219.204 of this Subpart
may comply with this Section, rather than with Section 219.204 of this Subpart, if a capture system and control device are operated at all times the coating line is in operation and the owner or operator demonstrates compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), or (k) of this Section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in Section 219.105 of this Part and the recordkeeping and reporting requirements specified in Section 219.211(e) of this Subpart; and the control device is equipped with the applicable monitoring equipment specified in Section 219.105(d) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. A capture system and control device, which does not demonstrate compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), or (k) of this Section may be used as an alternative to compliance with Section 219.204 of this Subpart only if the alternative is approved by the Agency and approved by the USEPA as a SIP revision.

b) Alternative Add-On Control Methodologies

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

2) The system used to control VOM from the coating line is demonstrated to have an overall efficiency sufficient to limit VOM emissions to no more than what is allowed under Section 219.204 of this Subpart. Use of any control system other than an afterburner, carbon adsorption, condensation, or absorption scrubber system can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. The use of transfer efficiency credits can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. Baseline transfer efficiencies and transfer efficiency test methods must be approved by the Agency and the USEPA. Such overall efficiency is to be determined as follows:

A) Obtain the emission limitation from the appropriate subsection in Section 219.204 of this Subpart;

B) Calculate "S" according to the equation in Section 219.206 of this Subpart;
C) Calculate the overall efficiency required according to Section 219.105(e) of this Part. For the purposes of calculating this value, according to the equation in Section 219.105(e)(2) of this Part, \( VOM_1 \) is equal to the value of "S" as determined above in subsection (b)(2)(B) of this Section.

c) No owner or operator of a coating line subject to only one of the emission limitations from among Section 219.204(a)(1), (a)(4), (d), (e), (f), (i), or, prior to May 1, 2011, (c) of this Subpart and equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. No owner or operator of a coating line subject to Section 219.204(a)(2) or (a)(3) of this Subpart and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with such limitation in accordance with the topcoat protocol referenced in Section 219.105(b) of this Part.

d) No owner or operator of a miscellaneous metal parts and products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(j) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

e) No owner or operator of a heavy off-highway vehicle products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(k) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

f) No owner or operator of a wood furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(l) of this Subpart (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. If compliance
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is achieved by meeting the requirements in subsection (b)(2) of this Section, then the provisions in the note to Section 219.204(l) of this Subpart must also be met.

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

1) An alternative daily emission limitation for the can coating operation, i.e., for all of the can coating lines at the source, shall be determined according to Section 219.205(c)(2) of this Subpart. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation:

\[ E_d = \sum_{i=1}^{n} V_i C_i (1 - F_i) \]

where:

\[ E_d = \text{Actual VOM emissions for the day in units of kg/day (lbs/day);} \]

\[ i = \text{Subscript denoting the specific coating applied;} \]

\[ n = \text{Total number of surface coatings as applied in the can coating operation;} \]

\[ V_i = \text{Volume of each coating as applied for the day in units of l/day (gal/day) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);} \]

\[ C_i = \text{The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);} \]

\[ F_i = \text{Fraction, by weight, of VOM emissions from the surface coating, reduced or prevented from being emitted to the ambient air. This is the overall efficiency of the capture} \]
2) The coating line is equipped with a capture system and control device that provide 75 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency.

h) No owner or operator of a plastic parts coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(m) or (n) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

i) Prior to May 1, 2011, no owner or operator of a metal furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(g) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

j) Prior to May 1, 2011, no owner or operator of a large appliance coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(h) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

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

1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
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2) The owner or operator complies with the applicable limitation set forth in Section 219.204 of this Subpart by utilizing a combination of low-VOM coatings and a capture system and control device.

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

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

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

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.210 Compliance Schedule

Every owner or operator of a coating line (of a type included within Section 219.204 of this Subpart) shall comply with the requirements of Section 219.204, 219.205, 219.207 or 219.208 and Section 219.211 or Sections 219.212 and 219.213 of this Subpart in accordance with the appropriate compliance schedule as specified in subsection (a), (b), (c), (d), (e), (f), or (g) of this Section:

a) No owner or operator of a coating line that is exempt from the limitations of Section 219.204 of this Subpart because of the criteria in Section 219.208(a) or (b) of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.211(b) of this Subpart.

b) No owner or operator of a coating line complying by means of Section 219.204 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.204 and 219.211(c) of this Subpart.

c) No owner or operator of a coating line complying by means of Section 219.205 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.205 and 219.211(d) of this Subpart.
d) No owner or operator of a coating line complying by means of Section 219.207 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.207 and 219.211(e) of this Subpart.

e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 219.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 219.204, 219.205 or 219.207 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with, respectively, the applicable requirements in Section 219.204, or the alternative control options in Sections 219.205 or 219.207 and the requirements of Section 219.211.

f) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 219.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 219.212 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with the requirements of Sections 219.212 and 219.213 of this Subpart.

g) No owner or operator of a coating line subject to the emission limitations in Section 219.204(c)(2), 219.204(g)(2), or 219.204(h)(2) of this Subpart shall operate that coating line on or after a date consistent with Section 219.106(c) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.204(c)(2), 219.204(g)(2), or 219.204(h)(2), as applicable, or the alternative control options in Section 219.205 or 219.207, and all applicable requirements in Sections 219.211 and 219.218 of this Subpart.

h) No owner or operator of a coating line subject to the emission limitations contained in Section 219.204(o) of this Subpart shall operate that coating line on or after a date consistent with Section 219.106(c) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.204(o) or the alternative control options in Section 219.205 or 219.207, and the requirements of Sections 219.211 and 219.217 of this Subpart, as applicable.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.211 Recordkeeping and Reporting
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a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this Section.

b) Any owner or operator of a coating line that is exempted from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) or (b) of this Subpart shall comply with the following:

1) For sources exempt from Section 219.208(a) of this Subpart, by a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 219.208(a) of this Subpart. Such certification shall include:

A) A declaration that the coating line is exempt from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) of this Subpart; and

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

\[
T_e = \sum_{j=1}^{m} \sum_{i=1}^{n} (A_i B_i)_j
\]

where:

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

\( m \) = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 219.104 of this Part (because they belong to the same category, e.g.,
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can coating);

\[ j = \text{Subscript denoting an individual coating line;} \]

\[ n = \text{Number of different coatings as applied each day on each coating line;} \]

\[ i = \text{Subscript denoting an individual coating;} \]

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

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

2) For sources exempt under Section 219.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 219.208(b) of this Subpart. Such certification shall include:

A) A declaration that the source is exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart; and

B) Calculations which demonstrate that the source meets the criteria of exemption because of Section 219.208(b) of this Subpart.

3) For sources exempt under Section 219.208(a) of this Subpart, on and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of lines referenced in this subsection shall
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collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

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

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

4) For sources exempt under Section 219.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:

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

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

5) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 219.208(b) of this
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Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.

c) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart other than Section 219.204(a)(2) and (a)(3) of this Subpart and complying by means of Section 219.204 of this Subpart shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 219.205, Section 219.207, Section 219.215, or Section 219.216 of this Subpart to Section 219.204 of this Subpart; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.204 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:

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

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

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line;

D) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line; and

E) For coating lines subject to the limitations of Section 219.204(g)(2) or 219.204(h)(2) of this Subpart, the application methods used to apply coatings on the subject coating line and the weight of VOM per volume of each coating (or the weight of VOM per volume of
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solids in each coating, as applicable) as applied each day on each coating line; and

F) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

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

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

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating;

D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitation of Section 219.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating;

E) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line, and certified product data sheets for each coating; and
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F) For coating lines subject to the limitations of Section 219.204(g)(2) or 219.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line, and certified product data sheets for each coating.

G) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) below, respectively. Upon changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

d) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart and complying by means of Section 219.205 of this Subpart shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 219.204 or Section 219.207 to Section 219.205 of this Subpart; the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.205 on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:
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A) The name and identification number of each coating line which will comply by means of Section 219.205 of this Subpart.

B) The name and identification number of each coating as applied on each coating line.

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

D) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

E) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

F) For coating lines subject to the limitations of Section 219.204(g)(2) or 219.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.

G) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.

H) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

I) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.
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J1) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

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

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

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

D) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

E) For coating lines subject to the limitations of Section 219.204(g)(2) or 219.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.

F) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.
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G) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 219.104 of this Part.

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

e) Any owner or operator of a coating line subject to the limitations of Section 219.207 and complying by means of Section 219.207(c), (d), (e), (f), (g), (h), (i), or (l) of this Subpart shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 219.204 or Section 219.205 to Section 219.207 of this Subpart, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.207 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for
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each coating line and maintain the information at the source for a period of three years:

A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 219.207(b)(2) of this Subpart.

B) Control device monitoring data.

C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.

D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart Part from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.

f) Any owner or operator of a primer surfacer operation or topcoat operation subject to the limitations of Section 219.204(a)(2) or (a)(3) of this Subpart shall comply with the following:
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1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 219.204 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:

   A) The name and identification number of each coating operation which will comply by means of Section 219.204(a)(2) and (a)(3) of this Subpart and the name and identification number of each coating line in each coating operation.

   B) The name and identification number of each coating as applied on each coating line in the coating operation.

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

   D) The transfer efficiency and control efficiency measured for each coating line.

   E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.

   F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

   G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) of this Section.

   H) An example format for presenting the records required in subsection (f)(2) of this Section.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating
operation shall collect and record all of the following information each
day for each topcoat or primer surfacer coating operation and maintain the
information at the source for a period of three years:

A) All information necessary to calculate the daily-weighted average
VOM emissions from the coating operations in \( \text{kg/l (lbs/gal)} \) of coating solids deposited in accordance with the
proposal submitted, and approved pursuant to Section
219.204(a)(2) or (a)(3) of this Subpart including:

i) The name and identification number of each coating as
applied on each coating operation.

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

B) If a control device or devices are used to control VOM emissions,
control device monitoring data; a log of operating time for the
capture system, control device, monitoring equipment and the
associated coating operation; and a maintenance log for the capture
system, control device and monitoring equipment, detailing all
routine and non-routine maintenance performed including dates
and duration of any outages.

3) On and after a date consistent with Section 219.106 of this Part or on and
after the initial start-up date, the owner or operator of a subject coating
operation shall determine and record the daily VOM emissions in \( \text{kg/l (lbs/gal)} \) of coating solids deposited in accordance with
the proposal submitted and approved pursuant to Section 219.204(a)(2) or
(a)(3) of this Subpart within 10 days from the end of the month and
maintain this information at the source for a period of three years.

4) On and after a date consistent with Section 219.106 of this Part, the owner
or operator of a subject coating operation shall notify the Agency in the
following instances:
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A) Any record showing a violation of Section 219.204(a)(2) or (a)(3) of this Subpart shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.

B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days after the approval of the proposal by the Agency and USEPA.

g) On and after a date consistent with Section 219.106(c) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 219.218 of this Subpart shall comply with the following:

1) By May 1, 2011, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.218 of this Subpart;

2) Notify the Agency of any violation of Section 219.218 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and

3) Maintain at the source all records required by this subsection (g) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.

h) On and after a date consistent with Section 219.106(c) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a flat wood paneling coating line subject to the requirements in Section 219.217 of this Subpart shall comply with the following:

1) By August 1, 2010, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and
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procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.217(c) and (d) of this Subpart; and

2) Notify the Agency of any violation of Section 219.217 of this Subpart by providing a description of the violation and copies of records documenting such violation to the Agency within 30 days following the occurrence of the violation.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.212 Cross-Line Averaging to Establish Compliance for Coating Lines

a) On and after March 15, 1996, any owner or operator of a coating line subject to the limitations set forth in Section 219.204 of this Subpart, except coating lines subject to the limitations in Section 219.204(c)(2), (g)(2), or (h)(2) of this Subpart, and with coating lines in operation prior to January 1, 1991 ("pre-existing coating lines"), may, for pre-existing coating lines only, elect to comply with the requirements of this Section, rather than complying with the applicable emission limitations set forth in Section 219.204, if an operational change of the type described below has been made after January 1, 1991, to one or more pre-existing coating lines at the source. An operational change occurs when a pre-existing coating line is replaced with a line using lower VOM coating for the same purpose as the replaced line ("replacement line"). A source electing to rely on this Section to demonstrate compliance with the requirements of this Subpart shall operate pursuant to federally enforceable permit conditions approved by the Agency and USEPA.

b) An owner or operator of pre-existing coating lines subject to a VOM content limitation in Section 219.204 of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart must establish, by use of the equations in subsection (d) of this Section, that the calculated actual daily VOM emissions from all participating coating lines, as defined below, are less than the calculated daily allowable VOM emissions from the same group of coating lines. For any pre-existing coating line to be aggregated for the purposes of Section 219.212, 219.213, or 219.214 of this Subpart ("participating coating lines"), the source must establish that:

1) All coatings applied on the participating coating line shall, at all times, have a VOM content less than or equal to the applicable VOM content
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limitation for such coating listed in Appendix H of this Part; and

2) On the date the source elects to rely on this Section to demonstrate compliance with this Subpart, all coatings applied on the participating coating line are not already in compliance with the VOM content limitation for such coating effective on or after March 15, 1996; or the participating coating line is a replacement line, as defined in subsection (a) of this Section with an operational change occurring on or after January 1, 1991.

c) Notwithstanding subsection (a) of this Section, any owner or operator of a coating line subject to the limitations set forth in Section 219.204 of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart, may also include as a participating coating line, until December 31, 1999, only, any replacement line that satisfies all of the following conditions:

1) The replacement line is operated as a powder coating line;

2) The replacement line was added after July 1, 1988; and

3) The owner or operator also includes as a participating coating line one or more coating lines that satisfy the criteria of a replacement line, as described in subsection (a) of this Section.

d) To demonstrate compliance with this Section, a source shall establish the following:

1) An alternative daily emission limitation shall be determined for all participating coating lines at the source according to subsection (d)(2) of this Section. All participating coating lines shall be factored in each day to demonstrate compliance. Provided compliance is established pursuant to the requirements in this subsection, nothing in this Section requires daily operation of each participating line. Actual daily emissions from all participating coating lines (E_d) shall never exceed the alternative daily emission limitation (A_d) and shall be calculated by use of the following equation:

\[ E_d = \sum_{i=1}^{n} V_i C_i \]
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where:

\[ E_d = \text{Actual daily VOM emissions from participating coating lines in units of kg/day (lbs/day);} \]

\[ i = \text{Subscript denoting a specific coating applied;} \]

\[ n = \text{Total number of coatings applied by all participating coating lines at the source;} \]

\[ V_i = \text{Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that which are specifically exempted from the definition of VOM); and} \]

\[ C_i = \text{The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that which are specifically exempted from the definition of VOM).} \]

2) The alternative daily emission limitation \( (A_d) \) shall be determined for all participating coating lines at the source on a daily basis as follows:

\[ A_d = A_i + A_p \]

where \( A_i \) and \( A_p \) are defined in subsections (d)(2)(A) and (d)(2)(B) of this Section.

A) The portion of the alternative daily emissions limitation for coating operations at a source using non-powder coating \( (A_i) \) shall be determined for all such participating non-powder coating lines on a daily basis as follows:

\[ A_i = \sum_{i=1}^{n} V_i L_i \left[ \frac{(D_i - C_i)}{(D_i - L_i)} \right] \]

where:
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\[ A_i = \text{The VOM emissions allowed for the day in units of kg/day (lbs/day)}; \]

\[ i = \text{Subscript denoting a specific coating applied}; \]

\[ n = \text{Total number of coatings applied by all participating coating lines at the source}; \]

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

\[ D_i = \text{The density of VOM in each coating applied. For the purposes of calculating } A_i, \text{ the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM)}; \]

\[ V_i = \text{Volume of each coating applied for the day in units of l (gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM)}; \]

\[ L_i = \text{The VOM emission limitation for each coating applied, as specified in Section 219.204 of this Subpart, in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM)}; \]

B) The portion of the alternative daily emission limitation for coating operations at a source using powdered coating \((A_p)\) shall be determined for all such participating powder coating lines at the source on a daily basis as follows:

\[ A_p = \sum_{h=1}^{m} \sum_{j=1}^{n} \frac{V_j L_j D_j K_h}{(D_j - L_j)} \]

where:
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\[ A_p = \text{The VOM emissions allowed for the day in units of kg/day (lbs/day);} \]

\[ h = \text{Subscript denoting a specific powder coating line;} \]

\[ j = \text{Subscript denoting a specific powder coating applied;} \]

\[ m = \text{Total number of participating powder coating lines;} \]

\[ n = \text{Total number of powder coatings applied in the participating coating lines;} \]

\[ D_j = \text{The assumed density of VOM in liquid coating, 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);} \]

\[ V_j = \text{Volume of each powder coating consumed for the day in units of l (gal) of coating;} \]

\[ L_j = \text{The VOM emission limitation for each coating applied, as specified in Section 219.204 of this Subpart, in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and} \]

\[ K = \text{A constant for each individual coating line representing the ratio of the volume of coating solids consumed on the liquid coating system that has been replaced to the volume of powder coating consumed on the replacement line to accomplish the same coating job. This value shall be determined by the source based on tests conducted and records maintained pursuant to the requirements of Section 219.213 of this Subpart demonstrating the amount of coating solids consumed as both liquid and powder. Tests methods and recordkeeping requirements shall be approved by the Agency and USEPA and contained in the source's operating permit as federally enforceable permit conditions, subject to the following} \]
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restrictions:

i)  $K$ cannot exceed 0.9 for non-recycled powder coating systems; or

ii) $K$ cannot exceed 2.0 for recycled powder coating systems.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards

a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOM for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.

b) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture except under the circumstances specified in subsections (b)(1) through (4) of this Section:

1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;

2) For repair coating under the following circumstances:

   A) The coating materials are applied after the completion of the coating operation; or

   B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;
3) If the spray gun is aimed and triggered automatically, rather than manually; or

4) If emissions from the finishing application station are directed to a control device pursuant to Section 219.216 of this Subpart.

cb) Cleaning and storage requirements. Each owner or operator of a source subject to the limitations of Section 219.204(l) or (o) of this Subpart shall:

1) Keep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;

2) Pump or drain all organic solvent used for line cleaning into closed containers;

3) Collect all organic solvent used to clean spray guns in closed containers; and

4) Control emissions from washoff operations by using closed tanks.

d) Additional cleaning and storage requirements for flat wood paneling coating lines. Every owner or operator of a source subject to the limitations of Section 219.204(o) of this Subpart shall:

1) Minimize spills of VOM-containing coatings, thinners, and cleaning materials and clean up spills immediately;

2) Minimize emissions of VOM during the cleaning of storage, mixing, and conveying equipment; and

3) Keep mixing vessels that contain VOM-containing coatings and other VOM-containing materials closed except when specifically in use.

c) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture except under the circumstances specified in subsections (c)(1) through (4) of this Section:
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1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;

2) For repair coating under the following circumstances:
   A) The coating materials are applied after the completion of the coating operation; or
   B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;

3) If the spray gun is aimed and triggered automatically, rather than manually; or

4) If emissions from the finishing application station are directed to a control device pursuant to Section 219.216 of this Subpart.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

SUBPART H: PRINTING AND PUBLISHING

Section 219.401 Flexographic and Rotogravure Printing

a) No owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line shall apply at any time any coating or ink unless the VOM content does not exceed the limitation specified in either subsection (a)(1) or (a)(2), as applicable below. Compliance with this Section must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) and the recordkeeping and reporting requirements specified in Section 219.404(c) of this Part. As an alternative to compliance with this subsection, a subject printing line may meet the requirements of subsection (b) or (c), below.

1) Prior to August 1, 2010, either:
   A) Forty percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the
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definition of VOM), or

B2) Twenty-five percent VOM by volume of the volatile content in the coating and ink; and,

2) On and after August 1, 2010:

A) For owners or operators of flexographic or rotogravure printing lines that do not print flexible packaging, either:

i) Forty percent VOM by volume of the coating and ink (minus water and any compounds that are specifically exempted from the definition of VOM); or

ii) Twenty-five percent VOM by volume of the volatile content in the coating and ink;

B) For owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, either:

i) 0.8 kg VOM/kg (0.8 lbs VOM/lb) solids applied; or

ii) 0.16 kg VOM/kg (0.16 lbs VOM/lb) inks and coatings applied.

b) Weighted Averaging Alternative

1) Prior to August 1, 2010, no owner or operator of a subject flexographic, packaging rotogravure, or publication rotogravure printing line shall apply coatings or inks on the subject printing line unless the weighted average, by volume, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(1)(A) (as determined by subsection (b)(1)(A)) or subsection (a)(12)(B) (as determined by subsection (b)(12)(B) of this Section). Compliance with this subsection must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Part.
A4) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(A) of this Section.

\[ VOM_{(i)(A)} = \frac{\sum_{i=1}^{n} C_i L_i (V_{si} + V_{VOMi})}{\sum_{i=1}^{n} L_i (V_{si} + V_{VOMi})} \]

where:

- \( VOM_{(i)(A)} \) = The weighted average VOM content in units of percent VOM by volume of all coatings and inks (minus water and any compounds that are specifically exempted from the definition of VOM) used each day;
- \( i \) = Subscript denoting a specific coating or ink as applied;
- \( n \) = The number of different coatings and/or inks as applied each day on a printing line;
- \( C_i \) = The VOM content in units of percent VOM by volume of each coating or ink as applied (minus water and any compounds that are specifically exempted from the definition of VOM);
- \( L_i \) = The liquid volume of each coating or ink as applied in units of l (gal);
- \( V_{si} \) = The volume fraction of solids in each coating or ink as applied;
- \( V_{VOMi} \) = The volume fraction of VOM in each coating or ink as applied.
The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(12)(B) of this Section.

\[
VOM_{(i)(B)} = \frac{\sum_{i=1}^{n} C_i L_i V_{VMi}}{\sum_{i=1}^{n} L_i V_{VMi}}
\]

where:

- \(VOM_{(i)(B)}\) = The weighted average VOM content in units of percent VOM by volume of the volatile content of all coatings and inks used each day;
- \(i\) = Subscript denoting a specific coating or ink as applied;
- \(n\) = The number of different coatings and/or inks as applied each day on a printing line;
- \(C_i\) = The VOM content in units of percent VOM by volume of the volatile matter in each coating or ink as applied;
- \(L_i\) = The liquid volume of each coating or ink as applied in units of l (gal);
- \(V_{VMi}\) = The volume fraction of volatile matter in each coating or ink as applied.

2) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that does not print flexible packaging shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(A)(i) (calculated in accordance with
the equation in subsection (b)(1)(A)) or (a)(2)(A)(ii) (calculated in accordance with the equation in subsection (b)(1)(B)) of this Section. Compliance with this subsection (b)(2) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Subpart.

3) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(B)(i) (calculated in accordance with the equation in subsection (b)(3)(A)) or subsection (a)(2)(B)(ii) (calculated in accordance with the equation in subsection (b)(3)(B)) of this Section. Compliance with this subsection (b)(3) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Subpart.

A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(i) of this Section.

\[
VOM_{(A)} = \frac{\sum_{i=1}^{n} C_i W_i}{\sum_{i=1}^{n} W_i}
\]

where:

\[VOM_{(A)}\] = The weighted average VOM content in units of kg VOM per kg (lbs VOM per lb) solids of all coatings and inks used each day;

\[i\] = Subscript denoting a specific coating or ink as
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applied;

\[ n = \text{The number of different coatings and/or inks as applied each day on a printing line;} \]

\[ C_i = \text{The VOM content in units of kg VOM per kg (lbs VOM per lb) solids of each coating or ink as applied;} \]

\[ W_i = \text{Weight of solids in each coating or ink, as applied, in units of kg/l (lb/gal).} \]

B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(ii) of this Section.

\[
VOM_{(B)} = \frac{\sum_{i=1}^{n} C_i L_i}{\sum_{i=1}^{n} L_i}
\]

where:

\[ VOM_{(B)} = \text{The weighted average VOM content in units of kg (lbs) VOM per weight in kg (lbs) of all coatings or inks as applied each day;} \]

\[ i = \text{Subscript denoting a specific coating or ink as applied;} \]

\[ n = \text{The number of different coatings and/or inks as applied each day on each printing line;} \]

\[ C_i = \text{The VOM content in units of kg (lbs) VOM per weight in kg (lbs) of each coating or ink as applied;} \]
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\[ L_i = \text{The weight of each coating or ink, as applied, in units of kg/l (lb/gal).} \]

c) Capture System and Control Device Requirements

1) Prior to August 1, 2010, no owner or operator of a subject flexographic, packaging rotogravure or publication rotogravure printing line equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii)(2), or (c)(1)(A)(iii), as well as (3) and subsections (c)(1)(B)(4), (c)(5), and (c)(6) below.

A) One of:

i) A carbon adsorption system is used that reduces the captured VOM emissions by at least 90 percent by weight or

ii) An incineration system is used that reduces the captured VOM emissions by at least 90 percent by weight or

iii) An alternative VOM emission reduction system is used that is demonstrated to have at least a 90 percent control device efficiency, approved by the Agency and approved by USEPA as a SIP revision and

B4) The printing line is equipped with a capture system and control device that provides an overall reduction in VOM emissions of at least:

iA) 75 percent where a publication rotogravure printing line is employed or

iiiB) 65 percent where a packaging rotogravure printing line is employed or

iiiC) 60 percent where a flexographic printing line is employed and
2) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that does not print flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(B), (c)(5), and (c)(6) of this Section;

3) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsections (c)(5) and (c)(6) of this Section and the capture system and control device provides an overall reduction in VOM emissions of at least:

A) 65 percent in cases in which a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or

B) 70 percent when a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010; or

C) 75 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or

D) 80 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010;

4) On and after August 1, 2010, the owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and non-flexible packaging on the same line and that is equipped with a control device shall be subject to the requirements of either subsection (c)(1)(B) or (c)(3) of
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this Section, whichever is more stringent, as well as subsections (c)(5) and (c)(6) of this Section;

5) The control device is equipped with the applicable monitoring equipment specified in Section 219.105(d)(2) of this Part and, except as provided in Section 219.105(d)(3) of this Part, the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use;

6) The capture system and control device are operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with this subsection by using the applicable capture system and control device test methods and procedures specified in Section 219.105(c) of this Part through Section 219.105(f) of this Part and by complying with the recordkeeping and reporting requirements specified in Section 219.404(e) of this Part.

The owner or operator of a printing line subject to the requirements in subsection (c)(1)(B) or (c)(2) of this Section that performed all testing necessary to demonstrate compliance with subsection (c)(1)(B) prior to August 1, 2010, is not required to retest pursuant to this subsection (c)(6). The owner or operator of a printing line subject to the requirements in subsection (c)(3) shall perform testing in compliance with this subsection (c)(6), even if the owner or operator already performed such testing prior to August 1, 2010, unless the following conditions are met. Nothing in this subsection (c)(6), however, shall limit the Agency's ability to require that the owner or operator perform testing pursuant to 35 Ill. Adm. Code 201.282:

A) On or after May 1, 2000, the owner or operator of the subject printing line performed all testing necessary to demonstrate compliance with subsection (c)(1)(B);

B) Such testing also demonstrated an overall control efficiency equal to or greater than the applicable control efficiency requirements in subsection (c)(3);

C) The owner or operator submitted the results of such tests to the Agency, and the tests were not rejected by the Agency;
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D) The same capture system and control device subject to the tests referenced in subsection (c)(6)(A) of this Section is still being used by the subject printing line; and

E) The owner or operator complies with all recordkeeping and reporting requirements in Section 219.404(e)(1)(B).

d) No owner or operator of subject flexographic or rotogravure printing lines that print flexible packaging or print flexible packaging and non-flexible packaging on the same line shall cause or allow VOM containing cleaning materials, including used cleaning towels, associated with the subject flexographic or rotogravure printing lines to be kept, stored, or disposed of in any manner other than in closed containers, or conveyed from one location to another in any manner other than in closed containers or pipes, except when specifically in use.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.402 Applicability

a) Except as otherwise provided in Section 219.401, the limitations of Section 219.401 of this Subpart apply to all flexographic and rotogravure printing lines at a subject source. All sources with flexographic and/or rotogravure printing lines are subject sources unless:

1) Total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines), at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices, or

2) A federally enforceable permit or SIP revision for all flexographic and rotogravure printing lines at a source requires the owner or operator to limit production or capacity of these printing lines to reduce total VOM emissions from all flexographic and rotogravure printing lines to 90.7 Mg (100 tons) or less per calendar year before the application of capture systems and control devices.

b) The limitations of Section 219.401(d) shall apply to all owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that
print flexible packaging and non-flexible packaging on the same line, at a source where the combined emissions of VOM from all flexographic and rotogravure printing lines total 6.8 kg/day (15 lbs/day) or more (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines), in the absence of air pollution control equipment.

\[(c\,b)\] Upon achieving compliance with this Subpart, the flexographic and rotogravure printing lines are not required to meet Subpart G ([Section 219.301 or 219.302](#)) of this Part). Flexographic and rotogravure printing lines exempt from this Subpart are subject to Subpart G ([Section 219.301 or 219.302](#)) of this Part. Rotogravure or flexographic equipment used for both roll printing and paper coating is subject to this Subpart.

\[(d\,e)\] Once subject to the limitations of Section 219.401 of this Part, a flexographic or rotogravure printing line is always subject to the limitations of Section 219.401 of this Part.

\[(e\,d)\] Any owner or operator of any flexographic or rotogravure printing line that is exempt from any of the limitations of Section 219.401 of this Part because of the criteria in this Section is subject to the recordkeeping and reporting requirements specified in Section 219.404(b) and (f) of this Part, as applicable.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

**Section 219.403 Compliance Schedule**

Every owner or operator of a flexographic and/or rotogravure printing line shall comply with the applicable requirements of Section 219.401 and Section 219.404 of this Part in accordance with the applicable compliance schedule or schedules specified in subsection (a), (b), (c), or (d), (e), (f) or (g) below:

\[(a)\] No owner or operator of a flexographic or rotogravure printing line that which is exempt from the limitations of Section 219.401 of this Part because of the criteria in Section 219.402(a) of this Part shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.404(b) of this Part.

\[(b)\] No owner or operator of a flexographic or rotogravure printing line complying by means of Section 219.401(a)(1) of this Part shall operate said printing line on or
after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.401(a)(1) of this Part and Section 219.404(c) of this Part.

c) No owner or operator of a flexographic or rotogravure printing line complying by means of Section 219.401(b)(1) of this Part shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.401(b)(1) and Section 219.404(d) of this Part.

d) No owner or operator of a flexographic or rotogravure printing line complying by means of Section 219.401(c)(1)(B) of this Part shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, the applicable provisions in Sections 219.401(c) and 219.404(e) of this Part.

e) No owner or operator of a flexographic or rotogravure printing line complying by means of Section 219.401(a)(2), (b)(2), or (b)(3) or complying by means of Section 219.401(c)(2), (c)(3), or (c)(4), shall operate the printing line on or after August 1, 2010, unless the owner or operator has complied with, and continues to comply with, Section 219.401(a)(2), (b)(2) or (b)(3), and Section 219.404(c), as applicable, and all applicable provisions in Section 219.404 of this Part.

f) No owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, shall operate the printing line on or after August 1, 2010, unless the owner or operator has complied with, and continues to comply with, Section 219.401(d) and Section 219.404(g) of this Part.

g) No owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, and that is exempt from the limitations of Section 219.401(d) because of the criteria in Section 219.402(b) of this Part shall operate the printing line on or after August 1, 2010, unless the owner or operator has complied with, and continues to comply with, Section 219.402(b) and Section 219.404(f) of this Part.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)
Section 219.404 Recordkeeping and Reporting

a) The VOM content of each coating and ink and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this Section.

b) Any owner or operator of a printing line which is exempted from any of the limitations of Section 219.401 of this Part because of the criteria in Section 219.402(a) of this Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, by August 1, 2010, the owner or operator of a flexographic and rotogravure printing line to which this subsection (b) is applicable shall certify to the Agency that the flexographic and rotogravure printing line is exempt under the provisions of Section 219.402(a) of this Part. Such certification shall include:

A) A declaration that the flexographic and rotogravure printing line is exempt from the limitations of the criteria in Section 219.401 because of Section 219.402(a) of this Part, and

B) Calculations which demonstrate that total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. Total maximum theoretical emissions of VOM for a flexographic or rotogravure printing source is the sum of maximum theoretical emissions of VOM from each flexographic and rotogravure printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year before the application of capture systems and control devices for each flexographic and rotogravure printing line at the source:

\[ E_p = A \times B + 1095 \times (C \times D \times F) \]
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where:

\[ E_p = \text{Total maximum theoretical emissions of VOM from one flexographic or rotogravure printing line in units of kg/year (lbs/year);} \]

\[ A = \text{Weight of VOM per volume of solids of the coating or ink with the highest VOM content as applied each year on the printing line in units of kg VOM/l (lbs VOM/gal) of coating or ink solids;} \]

\[ B = \text{Total volume of solids for all coatings and inks that can potentially be applied each year on the printing line in units of 1/year (gal/year). The instrument and/or method by which the owner or operator accurately measured or calculated the volume of each coating and ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;} \]

\[ C = \text{Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/kg/l (lbs VOM/gal) of such material;} \]

\[ D = \text{The greatest volume of cleanup material or solvent used in any 8-hour period;} \]

\[ F = \text{The highest fraction of cleanup material or solvent which is not recycled or recovered for offsite disposal during any 8-hour period.} \]

2) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a facility referenced in this subsection shall collect and record all of the following information each year for each printing line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.
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B) The VOM content and the volume of each coating and ink as applied each year on each printing line.

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a facility exempted from the limitations of Section 219.401 of this Part because of the criteria in Section 219.402(a) of this Part shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all printing lines exceed 90.7 Mg (100 tons) in any calendar year before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

c) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(a) of this Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance from an existing subject printing line from Section 219.401(b) or Section 219.401(c) to Section 219.401(a) of this Part, the owner or operator of a subject printing line shall certify to the Agency that the printing line will be in compliance with Section 219.401(a) of this Part on and after a date consistent with Section 219.106 of this Part on and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 219.401(a)(2)(B) shall certify in accordance with this subsection (c)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content of each coating and ink as applied each day on each printing line.

2) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(a) of this Part shall comply with the following:
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219.401 of this Part and complying by means of Section 219.401(a) of this Part shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.

B) The VOM content of each coating and ink as applied each day on each printing line.

3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.401(a) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 219.401 of this Part from Section 219.401(a) to Section 219.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(a) to Section 219.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

d) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(b) of this Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing subject printing line from Section 219.401(a) or (c) to Section 219.401(b) of this Part, the owner or operator of the subject printing line shall certify to the Agency that the printing line will be in compliance with Section 219.401(b) of this Part.
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Part on and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 219.401(b)(3) shall certify in accordance with this subsection (d)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:

A) The name and identification number of each printing line which will comply by means of Section 219.401(b) of this Part.

B) The name and identification number of each coating and ink available for use on each printing line.

C) The VOM content of each coating and ink as applied each day on each printing line.

D) The instrument or method by which the owner or operator will accurately measure or calculate the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line.

E) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

F) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 and complying by means of Section 219.401(b) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating and ink as applied on each printing line.
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B) The VOM content and the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line.

C) The daily-weighted average VOM content of all coatings and inks as applied on each printing line.

3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.401(b) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 219.401 of this Part from Section 219.401(b) to Section 219.401(a) or 219.401(c) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(b) to Section 219.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

e) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(c) of this Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from Section 219.401(a) or (b) to Section 219.401(c) of this Part, the owner or operator of the subject printing line shall either:

A) Perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with Section 219.401(c) of this Part on and after a date consistent with Section 219.106 of this Part.
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Part, or Section 219.403(e), as applicable, or on and after the initial start-up date; or:

B) If not required to perform such testing pursuant to Section 219.401(c)(6), submit a certification to the Agency that includes:

i) A declaration that the owner or operator is not required to perform testing pursuant to Section 219.401(c)(6);

ii) The dates that testing demonstrating compliance with Section 219.401(c)(3) was performed; and

iii) The dates that the results of such testing were submitted to the Agency.

2) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(c) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the facility for a period of three years:

A) Control device monitoring data.

B) A log of operating time for the capture system, control device, monitoring equipment and the associated printing line.

C) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.401(c) of this Part, shall be reported by sending a copy of such record to the Agency
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within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with Section 219.401 of this Part from Section 219.401(c) to Section 219.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(c) to Section 219.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.

4) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, the owner or operator of a printing line subject to the requirements in Section 219.401(c)(3) or (c)(4) shall submit to the Agency records documenting the date the printing line was constructed at the subject source and the date the control device for such printing line was constructed at the subject source.

f) Any owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, and that is exempt from the limitations of Section 219.401(d) because of the criteria in Section 219.402(b) shall:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon modification of a printing line, submit a certification to the Agency that includes:

A) A declaration that the source is exempt from the requirements in Section 219.401(d) because of the criteria in Section 219.402(b);

B) Calculations that demonstrate that combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with such printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment; and

2) Notify the Agency in writing if the combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents
used for cleanup operations associated with the flexographic and rotogravure lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.

g) Any owner or operator of a printing line subject to the limitations of Section 219.401(d) shall:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, submit a certification to the Agency describing the practices and procedures that the owner or operator will follow to ensure compliance with the limitations of Section 219.401(d); and

2) Notify the Agency of any violation of Section 219.401(d) by sending a description of the violation and copies of records documenting such violations to the Agency within 30 days following the occurrence of the violation.

h) All records required by subsections (f) and (g) of this Section shall be retained for at least three years and shall be made available to the Agency upon request.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.405 Lithographic Printing: Applicability

a) Until March 15, 1996, the limitations of Section 219.406 of this Subpart apply to all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with the heatset web offset lithographic printing line(s)) at a source subject to the requirements of this Subpart. All sources with heatset web offset lithographic printing lines are sources subject to the requirements of this Subpart unless:

1) Total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with the heatset web offset lithographic printing line(s)) at the source never exceed 90.7 Mg (100 tons) per calendar year in the absence of air pollution control equipment; or

2) A federally enforceable permit or SIP revision for all heatset web offset
lithographic printing line(s) at a source requires the owner or operator to limit production or capacity of these printing line(s) to reduce total VOM emissions from all heatset web offset lithographic printing line(s) to 90.7 Mg (100 tons) per calendar year or less in the absence of air pollution control equipment.

b) Any owner or operator of any heatset web offset lithographic printing line that is exempt from the limitations in Section 219.406 of this Subpart because of the criteria in subsection (a) of this Section shall be subject to the recordkeeping and reporting requirements in Section 219.406(b)(1) of this Subpart.

e) Every owner or operator of lithographic printing lines is subject to the recordkeeping and reporting requirements in Section 219.411 of this Subpart.

bd) Prior to August 1, 2010, On and after March 15, 1996, Sections 219.407 through 219.410 of this Subpart shall apply to:

1) All owners or operators of heatset web offset lithographic printing lines unless:

A) Total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset lithographic printing lines) at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. To determine a source's total maximum theoretical emissions of VOM for the purposes of this subsection (b)(1)(A), the owner or operator shall use the calculations set forth in Section 219.411(a)(1)(C) of this Subpart; or

B) Federally enforceable permit conditions or SIP revision for all heatset web offset lithographic printing lines at the source requires the owner or operator to limit production or capacity of these printing lines to total VOM emissions of 90.7 Mg/yr (100 TPY) or less, before the application of capture systems and control devices;

2) All owners or operators of heatset web offset, non-heatset web offset, or
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sheet-fed offset lithographic printing lines(s), unless the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) never exceed 45.5 kg/day (100 lbs/day), as determined in accordance with Section 219.411(a)(1)(B), before the application of capture systems and control devices.

c) On and after August 1, 2010:

1) The requirements in Section 219.407(a)(1)(B) through (a)(1)(E) and 219.407(b) and all applicable provisions in Sections 219.409 through 219.411 of this Subpart shall apply to all owners or operators of heatset web offset lithographic printing lines, if the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) ever exceed 45.5 kg/day (100 lbs/day), calculated in accordance with Section 219.411(b)(2)(B), before the application of capture systems and control devices;

2) The requirements in Section 219.407(a)(1)(A) and (a)(2) through (a)(5) and all applicable provisions in Sections 219.409 through 219.411 of this Subpart shall apply to all owners or operators of lithographic printing lines if the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) ever equal or exceed 6.8 kg/day (15 lbs/day), calculated in accordance with Section 219.411(b)(1)(B), before the application of capture systems and control devices;

3) Notwithstanding subsection (c)(2) of this Section, at sources where the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), calculated in accordance with Section 219.411(b)(1)(B), before the application of capture systems and control devices, the following exclusions shall apply unless the owner or operator of the source certifies pursuant to Section 219.411(g)(1)(B) that the source will not make use of any such exclusions:
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A) The requirements of Section 219.407(a)(1)(A), (a)(2), and (a)(3) of this Subpart shall not apply to lithographic printing lines with a total fountain solution reservoir of less than 3.8 liters (1 gallon);

B) The requirements of Section 219.407(a)(3) of this Subpart shall not apply to sheet-fed offset lithographic printing lines with maximum sheet size of 11x17 inches or smaller;

C) The requirements of Section 219.407(a)(4) of this Subpart shall not apply to up to a total of 416.3 liters (110 gallons) per year of cleaning materials used on all lithographic printing lines at the source;

D) The requirements of Section 219.407(a)(4)(A)(i) shall not apply to lithographic printing lines at the source. Instead, the requirements of Section 219.407(a)(4)(A)(ii) shall apply to such lines.

de) If a lithographic printing line at a source is or becomes subject to one or more of the limitations in Sections 219.406 or 219.407 of this Subpart, the lithographic printing lines at the source are always subject to the applicable provisions of this Subpart.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)


a) Emission Standards and Limitations. No owner or operator of a heatset web offset printing line at a source that meets or exceeds the applicability levels in Section 219.405(a) of this Subpart may cause or allow the operation of such heatset web offset printing line(s) unless the owner or operator meets the requirements in subsections (a)(1) or (a)(2) of this Section and the requirements in subsections (a)(3) and (a)(4) of this Section. The owner or operator shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in Section 219.105(a), (d), and (f) of this Part and by complying with the recordkeeping and reporting requirements specified in subsection (b) of this Section.

4) An afterburner system is installed and operated that reduces 90 percent of
the VOM emissions (excluding methane and ethane) from the dryer exhaust; or

2) The fountain solution contains no more than 8 percent, by weight, of VOM and a condensation recovery system is installed and operated that removes at least 75 percent of the non-isopropyl alcohol organic materials from the dryer exhaust; and

3) The control device is equipped with the applicable monitoring equipment specified in Section 219.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to manufacturer's specifications at all times when the control device is in use; and

4) The control device is operated at all times when the printing line is in operation.

b) Recordkeeping and Reporting. The VOM content of each fountain solution and ink and the efficiency of each control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this subsection.

1) Any owner or operator of a lithographic printing line which is exempted from the limitations of subsection (a) of this Section because of the criteria in 219.405(a) of this Subpart shall comply with the following:

A) By a date consistent with Section 219.106 of this Part, the owner or operator of a heatset web offset lithographic printing line to which subsection (b)(1) of this Section is applicable shall certify to the Agency that the heatset web offset lithographic printing line is exempt under the provisions of Section 219.405(a) of this Subpart. Such certification shall include:

i) A declaration that the heatset web offset lithographic printing line is exempt from the limitations of subsection (a) of this Section because of the criteria in Section 219.405(a) of this Subpart; and

ii) Calculations which demonstrate that total maximum
theoretical emissions of VOM from all heatset web offset lithographic printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of air pollution control equipment. Total maximum theoretical emissions of VOM for a heatset web offset lithographic printing source is the sum of maximum theoretical emissions of VOM from each heatset web offset lithographic printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year in the absence of air pollution control equipment for each heatset web offset lithographic printing line at the source:

$$E_p = (R \times A \times B) + (C \times D) + 1095 \times (F \times G \times H)$$

where:

- $E_p$ = Total maximum theoretical emissions of VOM from one heatset web offset printing line in units of kg/yr (lb/yr);
- $A$ = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg/ℓ (lb/gal) of solids;
- $B$ = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of ℓ/yr (gal/yr). The instrument or method by which the owner or operator accurately measured or calculated the volume of each ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;
- $C$ = Weight of VOM per volume of fountain solution with the highest VOM content as applied each year on the printing line in units of kg/ℓ (lb/gal);
- $D$ = The total volume of fountain solution that can potentially be used each year on the printing line in units of ℓ/yr (gal/yr). The instrument and/or method by which the owner or operator accurately measured or calculated the volume of each
fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Agency;

**F** = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lb/gal) of such material;

**G** = The greatest volume of cleanup material or solvent used in any 8-hour period; and

**H** = The highest fraction of cleanup material or solvent which is not recycled or recovered for offsite disposal during any 8-hour period.

**R** = The multiplier representing the amount of VOM not retained in the substrate being used. For paper, \( R = 0.8 \). For foil, plastic, or other impervious substrates, \( R = 1.0 \).

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**B)** On and after a date consistent with Section 219.106 of this Part, the owner or operator of a heatset web offset lithographic printing line to which subsection (b)(1) of this Section is applicable shall collect and record all of the following information each year for each printing line and maintain the information at the source for a period of three years:

i) The name and identification of each fountain solution and ink as applied on each printing line; and

ii) The VOM content and the volume of each fountain solution and ink as applied each year on each printing line.

**C)** On and after a date consistent with Section 219.106 of this Part, the owner or operator of a source exempted from the limitations of subsection (a) of this Section because of the criteria in Section 219.405(a) of this Subpart shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines exceed 90.7 Mg (100 tons) in any calendar year in the absence of air pollution control equipment by sending a copy of such record to the Agency.
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within 30 days after the exceedence occurs.

2) Any owner or operator of a printing line subject to the limitations of subsection (a) of this Section and complying by means of subsection (a)(1) of this Section shall comply with the following:

A) By a date consistent with Section 219.106 of this Part, or upon initial start up of a new printing line, or upon changing the method of compliance for an existing printing line from subsection (a)(2) to (a)(1) of this Section, perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with subsection (a)(1) of this Section on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date;

B) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, collect and record the following information each day for each printing line and maintain the information at the source for a period of three years:

i) Control device monitoring data;

ii) A log of operating time for the control device, monitoring equipment and the associated printing line; and

iii) A maintenance log for the control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages;

C) On and after a date consistent with Section 219.106 of this Part, notify the Agency in the following instances:

i) Any violation of subsection (a)(1) of this Section shall be reported to the Agency, in writing, within 30 days following the occurrence of the violation;

ii) Any record showing a violation of subsection (a)(1) of this Section shall be reported by sending a copy of such record
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to the Agency within 30 days following the occurrence of
the violation; and

iii) At least 30 calendar days before changing the method of
compliance with subsection (a) of this Section from
subsection (a)(1) to (a)(2) of this Section, the owner or
operator shall comply with all requirements of subsection
(b)(3)(A) of this Section. Upon changing the method of
compliance with subsection (a) of this Section from
subsection (a)(1) to (a)(2) of this Section, the owner or
operator shall comply with all requirements of subsection
(b)(3) of this Section.

3) Any owner or operator of a printing line subject to the limitations of
subsection (a) of this Section and complying by means of subsection (a)(2)
of this Section shall:

A) By a date consistent with Section 219.106 of this Part, or upon
initial start-up of a new printing line, or upon changing the method
of compliance for an existing printing line from subsection (a)(1)
to (a)(2) of this Section, perform all tests and submit to the Agency
and the USEPA the results of all tests and calculations necessary to
demonstrate that the subject printing line will be in compliance
with subsection (a)(2) of this Section on and after a date consistent
with Section 219.106 of this Part, or on and after the initial start-up
date;

B) On and after a date consistent with Section 219.106 of this Part, or
on and after the initial start-up date, collect and record the
following information each day for each printing line and maintain
the information at the source for a period of three years:

i) The VOM content of the fountain solution used each day
on each printing line;

ii) A log of operating time for the control device and the
associated printing line; and

iii) A maintenance log for the control device detailing all
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routine and non-routine maintenance performed including dates and duration of any outages;

C) On and after a date consistent with Section 219.106 of this Part, notify the Agency in the following instances:

i) Any violation of subsection (a)(2) shall be reported to the Agency, in writing, within 30 days following the occurrence of the violation;

ii) Any record showing a violation of subsection (a)(2) of this Section shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation; and

iii) At least 30 calendar days before changing the method of compliance with subsection (a) of this Section from subsection (a)(2) to (a)(1) of this Section, the owner or operator shall comply with all requirements of subsection (b)(2)(A) of this Section. Upon changing the method of compliance with subsection (a) of this Section from subsection (a)(2) to (a)(1) of this Section, the owner or operator shall comply with all requirements of subsection (b)(2) of this Section.

e) Compliance Schedule. Every owner or operator of a heatset web offset lithographic printing line shall comply with the applicable requirements of subsections (a) and (b) of this Section in accordance with the applicable compliance schedule specified in subsections (c)(1), (c)(2), or (c)(3) of this Section:

1) No owner or operator of a heatset web offset lithographic printing line which is exempt from the limitations of subsection (a) of this Section because of the criteria in Section 219.405(a) of this Subpart shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.405(a) and 219.406(b)(1) of this Subpart.

2) No owner or operator of a heatset web offset lithographic printing line
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Complying by means of subsection (a)(1) of this Section shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, subsections (a)(1), (a)(3), (a)(4) and (b)(2) of this Section.

3) No owner or operator of a heatset web offset lithographic printing line complying by means of subsection (a)(2) of this Section shall operate said printing line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, subsections (a)(2), (a)(3), (a)(4) and (b)(3) of this Section.

(Source: Repealed at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996

a) No On and after March 15, 1996, no owner or operator of lithographic printing line(s) subject to the requirements of this Subpart shall:

1) Cause or allow the operation of any heatset web offset lithographic printing line unless:

A) The total VOM content in the as-applied fountain solution meets one of the following conditions:

i) 1.6 percent or less, by weightvolume;

ii) 3 percent or less, by weightvolume, and the temperature of the fountain solution is maintained below 15.6°C (60°F), measured at the reservoir or the fountain tray; or

iii) 5 percent or less, by weightvolume, and the as-applied fountain solution contains no alcohol;

B) The air pressure in the dryer is maintained lower than the air pressure of the press room, such that air flow through all openings in the dryer, other than the exhaust, is into the dryer at all times when the printing line is operating;
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C) An afterburner is installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhaust(s) are reduced as follows:

i) Prior to August 1, 2010, by 90 percent, by weight, or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon); and

ii) On and after August 1, 2010, by at least 90 percent, by weight, for afterburners first constructed at the source prior to January 1, 2010; by at least 95 percent, by weight, for afterburners first constructed at the source on or after January 1, 2010; or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon);

D) The afterburner complies with all monitoring provisions specified in Section 219.410(c) of this Subpart is equipped with the applicable monitoring equipment specified in Section 219.105(d)(2) of this Part and the monitoring equipment is installed, calibrated, operated, and maintained according to manufacturer’s specifications at all times when the afterburner is in use; and

E) The afterburner is operated at all times when the printing line is in operation, except the afterburner may be shut down between November 1 and April 1 as provided in Section 219.107 of this Part;

2) Cause or allow the operation of any non-heatset web offset lithographic printing line unless the VOM content of the as-applied fountain solution is 5 percent or less, by weight/volume, and the as-applied fountain solution contains no alcohol;

3) Cause or allow the operation of any sheet-fed offset lithographic printing line unless:

A) The VOM content of the as-applied fountain solution is 5 percent or less, by weight/volume; or
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B) The VOM content of the as-applied fountain solution is 8.5 percent or less, by weight, and the temperature of the fountain solution is maintained below 15.6°C (60°F), measured at the reservoir or the fountain tray;

4) Cause or allow the use of a cleaning solution on any lithographic printing line unless:

A) The VOM content of the as-used cleaning solution is less than or equal to:

i) 30 percent, by weight; or

ii) On and after August 1, 2010, for owners or operators of sources that meet the applicability criteria in Section 219.405(c)(3) and do not certify pursuant to Section 219.411(g)(1)(B) that the source will not make use of any of the exclusions in Section 219.405(c)(3), 70 percent, by weight; or

B) The VOM composite partial vapor pressure of the as-used cleaning solution is less than 10 mmHg at 20°C (68°F);

5) Cause or allow VOM containing cleaning materials, including used cleaning towels, associated with any lithographic printing line to be kept, stored or disposed of in any manner other than in closed containers, except when specifically in use.

b) An owner or operator of a heatset web offset lithographic printing line subject to the requirements of Section 219.407(a)(1)(C) of this Subpart may use a control device other than an afterburner, if:

1) The control device reduces VOM emissions from the press dryer exhaust(s) as follows:

A) Prior to August 1, 2010, by at least 90 percent, by weight, or to a maximum control device exhaust outlet concentration of 20 ppmv (as carbon); and
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B) On and after August 1, 2010:

i) By at least 90 percent, by weight, for control devices first constructed at the source prior to January 1, 2010;

ii) By at least 95 percent, by weight, for control devices first constructed at the source on or after January 1, 2010; or

iii) To a maximum control device exhaust outlet concentration of 20 ppmv (as carbon);

2) The owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; and

3) The use of the control device with testing, monitoring, and recordkeeping in accordance with this plan is approved by the Agency and USEPA as federally enforceable permit conditions.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)

a) Every owner or operator of a lithographic printing line subject to one or more of the control requirements of Section 219.407 of this Subpart shall comply with the applicable requirements of Sections 219.407 through 219.411 of this Subpart on and after March 15, 1996, or upon initial start-up, whichever is later.

b) No owner or operator of a lithographic printing line which is exempt from the limitations of Section 219.407 of this Subpart because of the criteria in Section 219.405(d) of this Subpart, shall operate said printing line on or after March 15, 1996, unless the owner or operator has complied with, and continues to comply with, Sections 219.405(d) and 219.411(a) of this Subpart.

(Source: Repealed at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.409 Testing for Lithographic Printing On and After March 15, 1996
a) Testing to demonstrate compliance with the requirements of Section 219.407 of this Subpart shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

b) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, Appendix A, incorporated by reference at Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, Appendix A, incorporated by reference at Section 219.112 of this Part;

3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, Appendix A, incorporated by reference at Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

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

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

4) Notwithstanding the criteria or requirements in Method 25 which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);

5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and

6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 219.407(a)(1)(B) of this Subpart.

c) Testing to demonstrate compliance with the VOM content limitations in Section 219.407(a)(1)(A), (a)(2), (a)(3) and (a)(4)(A) of this Subpart, and to determine the VOM content of fountain solutions, fountain solution additives, cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 219.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Subpart, as applicable), shall be conducted upon request of the Agency or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 219.112 of this Part, shall be used to demonstrate compliance; or
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2) The manufacturer's specifications for VOM content for fountain solution additives, cleaning solvents, and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

d) Testing to demonstrate compliance with the requirements of Section 219.407(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 219.407(b) of this Subpart.

e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.410 Monitoring Requirements for Lithographic Printing

a) Fountain Solution Temperature.

1) The owner or operator of any lithographic printing line(s) relying on the temperature of the fountain solution to demonstrate compliance shall install, maintain, and continuously operate a temperature monitor of the fountain solution in the reservoir or fountain tray, as applicable.

2) The temperature monitor must be capable of reading with an accuracy of 1°C or 2°F, and must be attached to an automatic, continuous recording device such as a strip chart, recorder, or computer, with at least the same accuracy, that is installed, calibrated and maintained in accordance with the manufacturer's specifications. If the automatic, continuous recording device malfunctions, the owner or operator shall record the temperature of the fountain solution at least once every two operating hours. The automatic, continuous recording device shall be repaired or replaced as soon as practicable.

b) Fountain Solution VOM Content. The owner or operator of any lithographic printing line(s) subject to Section 219.407(a)(1)(A), (a)(2) or (a)(3) of this
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Subpart shall:

1) For a fountain solution to which VOM is not added automatically:

A) Maintain records of the VOM content of the fountain solution in accordance with Section 219.411(ee)(2)(C); or

B) Take a sample of the as-applied fountain solution from the fountain tray or reservoir, as applicable, each time a fresh batch of fountain solution is prepared or each time VOM is added to an existing batch of fountain solution in the fountain tray or reservoir, and shall determine compliance with the VOM content limitation of the as-applied fountain solution by using one of the following options:

i) With a refractometer or hydrometer with a visual, analog, or digital readout and with an accuracy of 0.5 percent. The refractometer or hydrometer must be calibrated with a standard solution for the type of VOM used in the fountain solution, in accordance with manufacturer's specifications, against measurements performed to determine compliance. The refractometer or hydrometer must be corrected for temperature at least once per 8-hour shift or once per batch of fountain solution prepared or modified, whichever is longer; or

ii) With a conductivity meter if it is demonstrated that a refractometer and hydrometer cannot distinguish between compliant and noncompliant fountain solution for the type and amount of VOM in the fountain solution. A source may use a conductivity meter if it demonstrates that both hydrometers and refractometers fail to provide significantly different measurements for standard solutions containing 95 percent, 100 percent and 105 percent of the applicable VOM content limit. The conductivity meter reading for the fountain solution must be referenced to the conductivity of the incoming water. A standard solution shall be used to calibrate the conductivity meter for the type of VOM used in the fountain solution, in accordance with manufacturer's specifications;
2) For fountain solutions to which VOM is added at the source with automatic feed equipment, determine the VOM content of the as-applied fountain solution based on the setting of the automatic feed equipment which makes additions of VOM up to a pre-set level. Records must be retained of the VOM content of the fountain solution in accordance with Section 219.411(ge)(2)(D) of this Subpart. The equipment used to make automatic additions must be installed, calibrated, operated and maintained in accordance with manufacturer's specifications.

c) Afterburners for Heatset Web Offset Lithographic Printing Lines Line(s).
If an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to Section 219.407(a)(1)(C) of this Subpart shall:

1) Install, calibrate, maintain, and operate temperature monitoring devices with an accuracy of 3°C or 5°F on the afterburner in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the afterburner is operating; and

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

d) Other Control Devices for Heatset Web Offset Lithographic Printing Lines Line(s). If a control device other than an afterburner is used to demonstrate compliance, the owner or operator of a heatset web offset lithographic printing line subject to this Subpart shall install, maintain, calibrate and operate such monitoring equipment as set forth in the owner or operator's plan approved by the Agency and USEPA pursuant to Section 219.407(b) of this Subpart.

e) Cleaning Solution

1) The owner or operator of any lithographic printing line relying on the VOM content of the cleaning solution to comply with Section 219.407(a)(4)(A) of this Subpart must:
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A) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):

   i) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and

   ii) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 219.407(a)(4)(A) of this Subpart;

B) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 219.411(f)(2) of this Subpart.

2) The owner or operator of any lithographic printing line relying on the vapor pressure of the cleaning solution to comply with Section 219.407(a)(4)(B) of this Subpart must keep records for such cleaning solutions used on any such line(s) as set forth in Section 219.411(f)(2)(C) of this Subpart.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.411 Recordkeeping and Reporting for Lithographic Printing

a) Exempt Units prior to August 1, 2010. An owner or operator of lithographic printing lines exempt from the limitations of Section 219.407 of this Subpart prior to August 1, 2010, because of the criteria in Section 219.405(bd) of this Subpart, shall comply with the following:

1) Upon initial start-up of a new lithographic printing line, and upon modification of a lithographic printing line, submit a certification to the Agency that includes:

   A) A declaration that the source is exempt from the control
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requirements in Section 219.407 of this Part because of the criteria in Section 219.405(b) of this Subpart;

B) Calculations demonstrating that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the tests methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from fountain solutions and cleaning solvents used on lithographic printing lines.
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at the source, no retention factor is used;

C) Either a declaration that the source, through federally enforceable permit conditions, has limited its maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset printing lines) at the source to no more than 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices or calculations which demonstrate that the source's total maximum theoretical emissions of VOM do not exceed 90.7 Mg/yr (100 tons/yr). Total maximum theoretical emissions of VOM for a heatset web offset lithographic printing source is the sum of maximum theoretical emissions of VOM from each heatset web offset lithographic printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year in the absence of air pollution control equipment for each heatset web offset lithographic printing line at the source:

\[ E_p = (R \times A \times B) + (C \times D) + 1095 (F \times G \times H) \]

where:

\[ E_d \] = Total maximum theoretical emissions of VOM from one heatset web offset printing line in units of kg/yr (lb/yr);

\[ A \] = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal) of solids;

\[ B \] = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of l/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each ink as applied and the amount that can potentially be applied each
year on the printing line shall be described in the certification to the Agency;

C = Weight of VOM per volume of fountain solution with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal);

D = The total volume of fountain solution that can potentially be used each year on the printing line in units of 1/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Agency;

F = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lb/gal) of such material;

G = The greatest volume of cleanup material or solvent used in any 8-hour period;

H = The highest fraction of cleanup material or solvent that is not recycled or recovered for offsite disposal during any 8-hour period;

R = The multiplier representing the amount of VOM not retained in the substrate being used. For paper, R = 0.8. For metal, plastic, or other impervious substrates, R = 1.0;

D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;
2) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.

b) Exempt Units on and after August 1, 2010

1) Lithographic Printing Lines Exempt pursuant to Section 219.405(c)(2). By August 1, 2010, or upon initial start-up of a new lithographic printing line, whichever is later, and upon modification of a lithographic printing line, an owner or operator of lithographic printing lines exempt from the limitations in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(2) of this Subpart shall submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A), (b)(1)(B), and (b)(1)(D) of this Section, or subsections (b)(1)(A) and (b)(1)(C) of this Section, as applicable. An owner or operator complying with subsection (b)(1)(B) shall also comply with the requirements in subsection (b)(1)(E) of this Section. An owner or operator complying with subsection (b)(1)(C) shall also comply with the requirements in subsection (b)(1)(F) of this Section:

A) A declaration that the source is exempt from the requirements in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source do not equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the
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number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from cleaning solutions used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;

C) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(C)(i) or (ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of
material use in a given calendar month, the owner or operator must, within 15 days after the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection (b)(1)(C) as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web offset and either nonheatset web offset or sheetfed lithographic printing operations, or has all three types of printing operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).

i) The sum of all sheetfed and nonheatset web offset lithographic printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent and fountain solution additives, combined; or

ii) The sum of all heatset web offset lithographic printing operations at the source: 204.1 kg (450 lbs) of ink, cleaning solvent, and fountain solution additives, combined;

D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;

E) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. If such emissions of VOM at the source equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), the source shall comply with the requirements in subsection (b)(2) of this Section;
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F) For sources complying with subsection (b)(1)(C) of this Section, comply with the following:

i) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(C)(i) and (b)(1)(C)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM;

ii) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(C) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs;

2) Heatset web offset lithographic printing lines exempt pursuant to Section 219.405(c)(1) but not exempt pursuant to Section 219.405(c)(2). By August 1, 2010, or upon initial start-up of a new heatset web offset lithographic printing line, whichever is later, and upon modification of a heatset web offset lithographic printing line, an owner or operator of heatset web offset lithographic printing lines that are exempt from the limitations in Section 219.407 of this Subpart pursuant to the criteria in Section 219.405(c)(1) of this Subpart, but that are not exempt pursuant to the criteria in Section 219.405(c)(2) of this Subpart, shall submit a certification to the Agency that includes the information specified in subsections (b)(2)(A) through (b)(2)(C) of this Section. Such owner or operator shall also comply with the requirements in subsection (b)(2)(D) of this Section:

A) A declaration that the source is exempt from the control requirements in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(1) of this Subpart, but is not exempt pursuant to the criteria in Section 219.405(c)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5
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kg/day (100 lbs/day) before the use of capture systems and control devices, as follows (the following methodology shall also be used to calculate whether a source exceeds 45.5 kg/day (100 lbs/day) for purposes of determining eligibility for the exclusions set forth in Section 219.405(c)(3), in accordance with Section 219.411(g)(2)(A)(i)):

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;

iv) To determine VOM emissions from cleaning solvents used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from cleaning solution in shop towels if the VOM composite vapor pressure of such cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop
C) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;

D) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs.

c2) Unless complying with subsections (b)(1)(C) and (b)(1)(F) of this Section, an owner or operator of lithographic printing lines subject to the requirements of subsection (a) or (b) of this Section shall on and after March 15, 1996, collect and record either the information specified in subsection (c)(1) or (c)(2)(a)(2)(A) or (a)(2)(B) of this Section for all lithographic printing lines at the source:

1A) Standard recordkeeping, including the following:

Ai) The name and identification of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

Bii) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

Ci iii) The VOM content and the volume of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

Div) The total VOM emissions at the source each month, determined as
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the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month; and

E\textsuperscript{v}) The VOM emissions in lbs/day for the month, calculated in accordance with subsection Section 219.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable Subpart;

2B) Purchase and inventory recordkeeping, including the following:

A\textsuperscript{i}) The name, identification, and VOM content of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;

B\textsuperscript{ii}) Inventory records from the beginning and end of each month indicating the total volume of each fountain solution additive, lithographic ink, and cleaning solvent to be used on any lithographic printing line at the source;

C\textsuperscript{iii}) Monthly purchase records for each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line at the source;

D\textsuperscript{iv}) A daily record which shows whether a lithographic printing line at the source was in operation on that day;

E\textsuperscript{v}) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C)(a)(2)(B)(i), (a)(2)(B)(ii) and (a)(2)(B)(iii) of this Section; and

F\textsuperscript{vii}) The VOM emissions in lbs/day for the month, calculated in accordance with subsection Section 219.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable Subpart.
3) On and after March 15, 1996, notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.

db) An owner or operator of a heatset web offset lithographic printing line(s) subject to the control requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart shall comply with the following:

1) By August 1, 2010 March 15, 1996, upon initial start-up of a new printing line, and upon initial start-up of a new control device for a heatset web offset printing line, submit a certification to the Agency that includes the following:

A) An identification of each heatset web offset lithographic printing line at the source;

B) A declaration that each heatset web offset lithographic printing line is in compliance with the requirements of Section 219.407 (a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) or (b) of this Subpart, as appropriate;

C) The type of afterburner or other approved control device used to comply with the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart and the date that such device was first constructed at the source;

D) The control requirements in Section 219.407(a)(1)(C) or (b)(1) of this Subpart with which the lithographic printing line is complying;

E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and

F) A declaration that the monitoring equipment required under
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Section 219.407(a)(1)(D) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;

2) If testing of the afterburner or other approved control device is conducted pursuant to Section 219.409(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

A) A declaration that all tests and calculations necessary to demonstrate whether the lithographic printing line is in compliance with Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable, have been properly performed;

B) A statement whether the lithographic printing line is or is not in compliance with Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and

C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.410(c) or (d) of this Subpart, as applicable;

3) Except as provided in subsection (d)(3)(D)(ii) of this Section On and after March 15, 1996, collect and record daily the following information for each heatset web offset lithographic printing line subject to the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart:

A) Afterburner or other approved control device monitoring data in accordance with Section 219.410(c) or (d) of this Subpart, as applicable;

B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;

C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of
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any outages; and

D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 219.407(a)(1)(B) of this Subpart as follows:

i) Prior to August 1, 2010, at least once per 24-hour period while the line is operating; and

ii) On and after August 1, 2010, at least once per calendar month while the line is operating;

4) Notify the Agency in writing of any violation of Section 219.407(a)(1)(C) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

5) If changing its method of compliance between subsections (a)(1)(C) and (b) of Section 219.407 of this Subpart, certify compliance for the new method of compliance in accordance with subsection (d)(b)(1) of this Section at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 219.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) of this Subpart, or Section 219.407(b) of this Subpart, as applicable.

e) An owner or operator of a lithographic printing line subject to Section 219.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart, shall:

1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that fountain solutions used on each lithographic printing line will be in compliance with the applicable VOM content limitation. Such certification shall include:

A) Identification of each lithographic printing line at the source, by type, e.g., heatset web offset, non-heatset web offset, or sheet-fed offset;
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B) Identification of each centralized fountain solution reservoir and each lithographic printing line that it serves;

C) A statement that the fountain solution will comply with the VOM content limitations in Section 219.407(a)(1)(A), (a)(2), or (a)(3), as applicable; The VOM content limitation with which each fountain solution will comply;

D) Initial documentation that each type of fountain solution will comply with the applicable VOM content limitation, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

E) Identification of the method that will be used to demonstrate continuing compliance with the applicable limitation, e.g., a refractometer, hydrometer, conductivity meter, or recordkeeping procedures with detailed description of the compliance methodology; and

F) A sample of the records that will be kept pursuant to subsection Section 219.411(e)(2) of this Subpart.

2) Collect and record the following information for each fountain solution:

A) The name and identification of each batch of fountain solution prepared for use on one or more lithographic printing lines, the lithographic printing lines or centralized reservoir using such batch of fountain solution, and the applicable VOM content limitation for the batch;

B) If an owner or operator uses a hydrometer, refractometer, or conductivity meter, pursuant to Section 219.410(b)(1)(B), to demonstrate compliance with the applicable VOM content limit in Section 219.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart:

i) The date and time of preparation, and each subsequent modification, of the batch;
ii) The results of each measurement taken in accordance with Section 219.410(b) of this Subpart;

iii) Documentation of the periodic calibration of the meter in accordance with the manufacturer's specifications, including date and time of calibration, personnel conducting, identity of standard solution, and resultant reading; and

iv) Documentation of the periodic temperature adjustment of the meter, including date and time of adjustment, personnel conducting and results;

C) If the VOM content of the fountain solution is determined pursuant to Section 219.410(b)(1)(A) of this Subpart, for each batch of as-applied fountain solution:

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

ii) Volume or weight, as applicable, and VOM content of each component used in, or subsequently added to, the fountain solution batch;

iii) Calculated VOM content of the as-applied fountain solution; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 219.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;

D) If the VOM content of the fountain solution is determined pursuant to Section 219.410(b)(2) of this Subpart, for each setting:

i) VOM content limit corresponding to each setting;

ii) Date and time of initial setting and each subsequent setting;
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iii) Documentation of the periodic calibration of the automatic feed equipment in accordance with the manufacturer's specifications; and

iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Sections 219.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit.

E) If the owner or operator relies on the temperature of the fountain solution to comply with the requirements in Section 219.407(a)(1)(A)(ii) or (a)(3)(B) of this Subpart:

i) The temperature of the fountain solution at each printing line, as monitored in accordance with Section 219.410(a); and

ii) A maintenance log for the temperature monitoring devices and automatic, continuous temperature recorders detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

3) Notify the Agency in writing of any violation of Section 219.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.

4) If changing its method of demonstrating compliance with the applicable VOM content limitations in Section 219.407 of this Subpart, or changing the method of demonstrating compliance with the VOM content limitations for fountain solutions pursuant to Section 219.409 of this Subpart, certify compliance for such new method(s) in accordance with subsection (c)(1) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing line(s) will be in compliance with the applicable requirements of Section 219.407 of this Subpart.

fd) For lithographic printing line cleaning operations, an owner or operator of a lithographic printing line subject to the requirements of Section 219.407 of this Subpart shall:
1) By August 1, 2010, March 15, 1996, and upon initial start-up of a new lithographic printing line, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 219.405(c)(3)(C), and the handling of all cleaning materials, will be in compliance with the requirements of Section 219.407(a)(4)(A) or (a)(4)(B) and (a)(5) of this Subpart, and such certification shall also include:

A) Identification of each VOM-containing cleaning solution used on each lithographic printing line;

B) A statement that the cleaning solution will comply with the limitations in Section 219.407(a)(4); The limitation with which each VOM-containing cleaning solution will comply, i.e., the VOM content or vapor pressure;

C) Initial documentation that each VOM-containing cleaning solution will comply with the applicable limitation, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

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

CE) A sample of the records that will be kept pursuant to subsection Section 219.411(f)(2) of this Subpart; and

DF) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;

2) On and after March 15, 1996, collect and record the following information for each cleaning solution used on each lithographic printing line:

A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.407(a)(4)(A) of this Subpart and which is prepared at the source with automatic equipment:
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i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.409(c) of this Subpart;

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

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

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

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

B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.407(a)(4)(A) of this Subpart, and that which is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

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

iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.409(c) of this Subpart;

iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
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v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;

C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.407(a)(4)(B) of this Subpart:

i) The name and identification of each cleaning solution;

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

iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;

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

v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;
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D) The date, time and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

3) Notify On and after March 15, 1996, notify the Agency in writing of any violation of Section 219.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation; and

4) If changing its method of demonstrating compliance with the requirements of Section 219.407(a)(4) of this Subpart, or changing between automatic and manual methods of preparing cleaning solutions, certify compliance for such new method in accordance with subsection (d)(1) of this Section, within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing line(s) will be in compliance with the applicable requirements of Section 219.407(a)(4) of this Subpart.

g) The owner or operator of lithographic printing lines subject to one or more of the exclusions set forth in Section 219.405(c)(3) shall:

1) By August 1, 2010, or upon initial start-up of a new lithographic printing line that is subject to one or more of the exclusions set forth in Section 219.405(c)(3), whichever is later, submit a certification to the Agency that includes either:

   A) A declaration that the source is subject to one or more of the exclusions set forth in Section 219.405(c)(3) and a statement indicating which such exclusions apply to the source; or
   
   B) A declaration that the source will not make use of any of the exclusions set forth in Section 219.405(c)(3);

2) Unless the source has certified in accordance with subsection (g)(1)(B) of this Section that it will not make use of any of the exclusions set forth in Section 219.405(c)(3):
A) Collect and record the following information for all lithographic printing lines at the source:

i) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, determined in accordance with the calculations in subsection (b)(2)(B) of this Section;

ii) The amount of cleaning materials used on lithographic printing lines at the source that does not comply with the cleaning material limitations in Section 219.407(a)(4) of this Subpart;

B) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs;

3) If changing from utilization of the exclusions set forth in Section 219.405(c)(3) to opting out of such exclusions pursuant to subsection (g)(1)(B) of this Section, or if there is a change at the source such that the exclusions no longer apply, certify compliance in accordance with subsection (g)(1)(B) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the applicable requirements of Section 219.407 of this Subpart;

4) If changing from opting out of the exclusions set forth in Section 219.405(c)(3) pursuant to subsection (g)(1)(B) of this Section to utilization of such exclusions, certify compliance in accordance with subsection (g)(1)(A) of this Section within 30 days after making such change.
The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

Provisions for Calculation of Emissions from Heatset Web Offset Lithographic Printing Operations. To calculate VOM emissions from heatset web offset lithographic printing operations for purposes other than the applicability thresholds specified in Section 219.405 of this Subpart, sources may use the following emission adjustment factors (for Annual Emissions Reports or permit limits, for example):

1) A factor of 0.80 may be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;

2) To determine VOM emissions from fountain solutions that contain no alcohol, an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

A) The VOM emitted from the fountain solution shall be calculated using the following equation:

\[
VOM_{fs} = 0.30 \times VOM_{tot} + (0.70 \times VOM_{tot}) \times (1 - DE)
\]

where:

\[
\begin{align*}
VOM_{tot} & \quad \text{Total VOM in the fountain solution;} \\
VOM_{fs} & \quad \text{VOM emitted from the fountain solution;} \\
DE & \quad \text{Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95\% control is represented as 0.95). If no control device is present, } DE = 0;
\end{align*}
\]
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B) For fountain solutions that contain alcohol, impervious substrates such as metal or plastic, or non-heatset lithographic presses, no emission adjustment factor is used;

3) To determine VOM emissions from cleaning solutions used on heatset web offset lithographic printing lines at the source, an emission adjustment factor of 0.50 may be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. To determine VOM emissions from automatic blanket wash solution with a VOM composite vapor pressure of less than 10 mmHg measured at 20°C (68°F), an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

A) The VOM emitted from the automatic blanket wash solution shall be calculated using the following equation:

\[
VOM_{bw} = 0.60 \times VOM_{tot} + (0.40 \times VOM_{tot}) \times (1 - DE)
\]

where:

\[
\begin{align*}
VOM_{tot} & = \text{Total VOM in the blanket wash;} \\
VOM_{bw} & = \text{VOM emitted from the blanket wash;} \\
DE & = \text{Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0.}
\end{align*}
\]

B) For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F), for shop towels that are not kept in closed containers, and for impervious substrates such as metal or plastic, no emission adjustment factor is used.

(Source: Amended at 34 Ill. Reg. 9253, effective June 25, 2010)
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Section 219.412 Letterpress Printing Lines: Applicability

a) Except as provided in subsection (b) of this Section, on and after August 1, 2010, the limitations in Sections 219.413 through 219.416 of this Subpart shall apply to:

1) All heatset web letterpress printing lines at a source if all heatset web letterpress printing lines (including solvents used for cleanup operations associated with heatset web letterpress printing lines) at the source have a total potential to emit 22.7 Mg (25 tons) or more of VOM per year; and

2) All letterpress printing lines at a source where the combined emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, calculated in accordance with Section 219.417(b)(1)(B).

b) Notwithstanding subsection (a) of this Section, the requirements of Section 219.413(a)(2) of this Subpart shall not apply to up to 416.3 liters (110 gallons) per year of cleaning materials used on letterpress printing lines at a subject source.

c) On and after August 1, 2010, the recordkeeping and reporting requirements in Section 219.417 of this Subpart shall apply to all owners or operators of letterpress printing lines.

d) If a letterpress printing line at a source is or becomes subject to one or more of the limitations in Section 219.413 of this Subpart, the letterpress printing lines at the source are always subject to the applicable provisions of this Subpart.

(Source: Added at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.413 Emission Limitations and Control Requirements for Letterpress Printing Lines

a) No owner or operator of letterpress printing lines subject to the requirements of this Subpart shall:

1) Cause or allow the operation of any heatset web letterpress printing line that meets the applicability requirements of Section 219.412(a)(1) unless:
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A) The air pressure in the dryer is maintained lower than the air pressure of the press room, such that air flow through all openings in the dryer, other than the exhaust, is into the dryer at all times when the printing line is operating;

B) An afterburner is installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhausts are reduced as follows:
   i) By 90 percent, by weight, for afterburners first constructed at the source prior to January 1, 2010;
   ii) By 95 percent, by weight, for afterburners first constructed at the source on or after January 1, 2010; or
   iii) To a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon);

C) The afterburner complies with all monitoring provisions specified in Section 219.416(a) of this Subpart; and

D) The afterburner is operated at all times when the printing line is in operation, except the afterburner may be shut down between November 1 and April 1 as provided in Section 219.107 of this Part;

2) Cause or allow the use of a cleaning solution on any letterpress printing line unless:
   A) The VOM content of the as-used cleaning solution is less than or equal to 70 percent, by weight; or
   B) The VOM composite partial vapor pressure of the as-used cleaning solution is less than 10 mmHg at 20°C (68°F);

3) Cause or allow VOM-containing cleaning materials, including used cleaning towels, associated with any letterpress printing line to be kept,
b) An owner or operator of a heatset web letterpress printing line subject to the requirements of subsection (a)(1)(B) of this Section may use a control device other than an afterburner, if:

1) The control device reduces VOM emissions from the press dryer exhausts as follows:

   A) By 90 percent, by weight, for control devices first constructed at the source prior to January 1, 2010;

   B) By 95 percent, by weight, for control devices first constructed at the source on or after January 1, 2010; or

   C) To a maximum control device exhaust outlet concentration of 20 ppmv (as carbon);

2) The owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; and

3) The use of the control device in accordance with this plan is approved by the Agency and USEPA as federally enforceable permit conditions.

(Source: Added at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.415 Testing for Letterpress Printing Lines

a) Testing to demonstrate compliance with the requirements of Section 219.413 of this Subpart shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator, and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.
b) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as follows:

1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;

3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

   A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;

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

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

4) Notwithstanding the criteria or requirements in Method 25 which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);

5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and

6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 219.413(a)(1)(A) of this Subpart.

c) Testing to demonstrate compliance with the VOM content limitations in Section 219.413(a)(2)(A) of this Subpart, and to determine the VOM content of cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 219.417(b)(1)(B) of this Subpart), shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:

1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 219.112 of this Part, shall be used to demonstrate compliance; or

2) The manufacturer's specifications for VOM content for cleaning solvents and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

d) Testing to demonstrate compliance with the requirements of Section 219.413(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 219.413(b) of this Subpart.
e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part.

(Source: Added at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.416 Monitoring Requirements for Letterpress Printing Lines

a) Afterburners for Heatset Web Letterpress Printing Lines. If an afterburner is used to demonstrate compliance, the owner or operator of a heatset web letterpress printing line subject to Section 219.413(a)(1)(B) of this Subpart shall:

1) Install, calibrate, maintain, and operate temperature monitoring devices with an accuracy of 3°C or 5°F on the afterburner in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the afterburner is operating; and

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

b) Other Control Devices for Heatset Web Letterpress Printing Lines. If a control device other than an afterburner is used to demonstrate compliance, the owner or operator of a heatset web letterpress printing line subject to this Subpart shall install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner or operator's plan approved by the Agency and USEPA pursuant to Section 219.413(b) of this Subpart.

c) Cleaning Solution

1) The owner or operator of any letterpress printing line relying on the VOM content of the cleaning solution to comply with Section 219.413(a)(2)(A) of this Subpart must:
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A) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):

i) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and

ii) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 219.413(a)(2)(A) of this Subpart;

B) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 219.417(c)(2) of this Subpart.

2) The owner or operator of any letterpress printing line relying on the vapor pressure of the cleaning solution to comply with Section 219.413(a)(2)(B) of this Subpart must keep records for such cleaning solutions used on any such lines as set forth in Section 219.417(c)(2)(C) of this Subpart.

(Source: Added at 34 Ill. Reg. 9253, effective June 25, 2010)

Section 219.417 Recordkeeping and Reporting for Letterpress Printing Lines

a) By August 1, 2010, or upon initial start-up of a new heatset web letterpress printing line, whichever is later, and upon modification of a heatset web letterpress printing line, an owner or operator of a heatset web letterpress printing line exempt from any of the limitations of Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(1) shall submit a certification to the Agency that includes:

1) A declaration that the source is exempt from the requirements in Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(1) of this Subpart;
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2) Calculations which demonstrate that the source's total potential to emit VOM does not equal or exceed 22.7 Mg (25 tons) per year.

b) An owner or operator of a letterpress printing line exempt from any of the limitations of Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(2) shall:

1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, and upon modification of a letterpress printing line, submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A) through (b)(1)(C) of this Section, or subsections (b)(1)(A) and (b)(1)(D) of this Section, as applicable:

A) A declaration that the source is exempt from the control requirements in Section 219.413 of this Part because of the criteria in Section 219.412(a)(2) of this Subpart;

B) Calculations that demonstrate that combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, as follows:

i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) and divide this amount by the number of days during that calendar month that letterpress printing lines at the source were in operation;

ii) To determine the VOM content of the inks and cleaning solvents, the tests methods and procedures set forth in Section 219.415(c) of this Subpart shall be used;

iii) To determine VOM emissions from inks used on letterpress printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious
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substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

iv) To determine VOM emissions from cleaning solutions used on letterpress printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. Otherwise, no retention factor is used;

C) A description and the results of all tests used to determine the VOM content of inks and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.415(c)(1) of this Subpart;

D) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(D)(i) or (b)(1)(D)(ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days of the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web and either nonheatset web or sheetfed letterpress printing operations, or has all three types of printing
operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).

i)  The sum of all sheetfed and nonheatset web letterpress printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent; or

ii) The sum of all heatset web letterpress printing operations at the source: 204.1 kg (450 lbs) of ink and cleaning solvent;

2)  For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs;

3)  For sources complying with subsection (b)(1)(D) of this Section, comply with the following:

   A)  Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) and (b)(1)(D)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM;

   B)  Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(D) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs.

   c)  Unless complying with subsections (b)(1)(D) and (b)(3) of this Section, on and after August 1, 2010, an owner or operator of a letterpress printing line subject to the requirements in subsections (a) or (b) of this Section shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all letterpress printing lines at the source:
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1) Standard recordkeeping, including the following:

A) The name and identification of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

B) A daily record that shows whether a letterpress printing line at the source was in operation on that day;

C) The VOM content and the volume of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month; and

E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;

2) Purchase and inventory recordkeeping, including the following:

A) The name, identification, and VOM content of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;

B) Inventory records from the beginning and end of each month indicating the total volume of each letterpress ink, and cleaning solvent to be used on any letterpress printing line at the source;

C) Monthly purchase records for each letterpress ink and cleaning solvent used on any letterpress printing line at the source;

D) A daily record that shows whether a letterpress printing line at the source was in operation on that day;

E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each
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cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment factor) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section; and

F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section.

d) An owner or operator of a heatset web letterpress printing lines subject to the control requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart shall comply with the following:

1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon initial start-up of a new control device for a heatset web printing line, submit a certification to the Agency that includes the following:

A) An identification of each heatset web letterpress printing line at the source;

B) A declaration that each heatset web letterpress printing line is in compliance with the requirements of Section 219.413(a)(1) or (b) of this Subpart, as appropriate;

C) The type of afterburner or other approved control device used to comply with the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, and the date that such device was first constructed at the subject source;

D) The control requirements in Section 219.413(a)(1)(B) or (b)(1) of this Subpart with which the letterpress printing line is complying;

E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and

F) A declaration that the monitoring equipment required under Section 219.413(a)(1)(C) or (b) of this Subpart, as applicable, has
be properly installed and calibrated according to manufacturer's specifications;

2) If testing of the afterburner or other approved control device is conducted pursuant to Section 219.415(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

   A) A declaration that all tests and calculations necessary to demonstrate whether the letterpress printing lines is in compliance with Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable, have been properly performed;

   B) A statement whether the heatset web letterpress printing lines are or are not in compliance with Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and

   C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.416(a) or (b) of this Subpart, as applicable;

3) Except as provided in subsection (d)(3)(D) of this Section, collect and record daily the following information for each heatset web letterpress printing line subject to the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart:

   A) Afterburner or other approved control device monitoring data in accordance with Section 219.416(a) or (b) of this Subpart, as applicable;

   B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;

   C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and
D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 219.413(a)(1)(A) of this Subpart at least once per calendar month while the line is operating;

4) Notify the Agency in writing of any violation of Section 219.413(a)(1)(B) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

5) If changing the method of compliance between Sections 219.413(a)(1)(B) and 219.413(b) of this Subpart, certify compliance for the new method of compliance in accordance with Section 219.413(b) at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 219.413(a)(1) of this Subpart, or Section 219.413(b) of this Subpart, as applicable.

e) For letterpress printing line cleaning operations, an owner or operator of a letterpress printing line subject to the requirements of Section 219.413 of this Subpart shall:

1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 219.412(b), and the handling of all cleaning materials will be in compliance with the requirements of Section 219.413(a)(2)(A) or (a)(2)(B) and (a)(3) of this Subpart. Such certification shall include:

A) A statement that the cleaning solution will comply with the limitations in Section 219.413(a)(2);

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

C) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section; and
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D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;

2) Collect and record the following information for each cleaning solution used on each letterpress printing line:

A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.413(a)(2)(A) of this Subpart and that is prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;

ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.415(c) of this Subpart;

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

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

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

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

B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.413(a)(2)(A) of this Subpart, and that is not prepared at the source with automatic equipment:

i) The name and identification of each cleaning solution;
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ii) Date and time of preparation, and each subsequent modification, of the batch;

iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.415(c) of this Subpart;

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

v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;

C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.413(a)(2)(B) of this Subpart:

i) The name and identification of each cleaning solution;

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

iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;
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iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and

v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;

D) The date, time, and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

E) The amount of cleaning materials used on letterpress printing lines at the source that do not comply with the cleaning material limitations set forth in Section 219.413(a)(2) of this Subpart;

3) Notify the Agency in writing of any violation of Section 219.413 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.

f) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

(Source: Added at 34 Ill. Reg. 9253, effective June 25, 2010)
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1) **Heading of the Part:** Retailers' Occupation Tax

2) **Code Citation:** 86 Ill. Adm. Code 130

3) **Section Numbers:**
   - 130.120 Amendment
   - 130.331 Amendment
   - 130.1934 New Section

4) **Statutory Authority:** 20 ILCS 2505/2505-795

5) **Effective Date of Amendments:** June 23, 2010

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 34 Ill. Reg. 4610; April 2, 2010

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** No substantive changes were made.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** No agreements were necessary.

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

14) **Are there any rulemakings pending on this Part?** Yes

   **Section Numbers:**
   - 130.310 Amendment  34 Ill. Reg. 6000; April 30, 2010
   - 130.111 New Section  34 Ill. Reg. 6000; April 30, 2010

15) **Summary and Purpose of Rulemaking:** This rulemaking amends Section 130.120, Nontaxable Transactions, as follows:
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a) amends subparagraph (v), adding the new sunset date for the graphic arts machinery and equipment exemption;

b) amends subparagraph (yy), adding the statutory reference cite to the Retailers’ Occupation Tax Act providing for the exemption for tangible personal property sold to a public-facilities corporation;

c) adds subparagraph (aaa), adding the exemption for materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of an aircraft; and

d) adds subparagraph (bbb), providing for the exemption for the sale of qualified building materials to be incorporated into real estate within a River Edge Redevelopment Zone.

This rulemaking amends Section 130.331, the Retailers' Occupation Tax provisions concerning Manufacturer's Purchase Credit (MPC) to add a sunset date for MPC and to add dates by which MPC can be used and returns should be filed.

New Section 130.1934: This rulemaking implements Section 2-5(39) of the Retailers' Occupation Tax Act. Section 2-5(39) was enacted by P.A. 95-538 effective January 1, 2008. Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply that is operated by a not-for-profit corporation that holds a valid water supply permit issued by the Environmental Protection Act is exempt from the tax imposed by the Retailers Occupation Tax Act. The exemption is exempt from the sunset provisions of the Act.

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

Debra M. Boggess
Richard S. Wolters
Associate Counsels
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
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DEPARTMENT OF REVENUE

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The tax does not apply to receipts from sales:

a) of intangible personal property, such as shares of stocks, bonds, evidences of interest in property, corporate or other franchises and evidences of debt;

b) of real property, such as lands and buildings that are permanently attached to the land;

c) of tangible personal property for purposes of resale in any form as tangible personal property, provided that the purchaser (except in the case of an out-of-State purchaser who will always resell and deliver the property to his customers outside Illinois) has an active registration number or active resale number from the Department and gives the number to the vendor in connection with certifying
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to the vendor that the sale to the purchaser is nontaxable on the ground of being a sale for resale (see Subparts B and N of this Part);

d) of personal services, where rendered as such (see various rules relating to particular service occupations); however, for information concerning the tax on persons engaged in the business of making sales of service, see the Regulations pertaining to the Service Occupation Tax Act (86 Ill. Adm. Code 140);

e) that are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);

f) that are isolated or occasional (see Section 130.110 of this Subpart);

g) of newspapers and magazines (see Section 130.2105 of this Part);

h) that are made to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, or any not-for-profit corporation, society, association, foundation, institution or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this subsection only if the limited liability company is organized and operated exclusively for educational purposes (see Section 130.2005 of this Part);

i) that are made to any governmental body (see Section 130.2080 of this Part);

j) through June 30, 2003, of pollution control facilities (see Section 130.335 of this Part);

k) of fuel consumed or used in the operation of ships, barges or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship or vessel while it is afloat upon that river (35 ILCS 120/2-5(24)) (see Section 130.315 of this Part);

l) of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce (see Section 130.340 of this Part);
notwithstanding any other provision of law, if the seller is prohibited by federal law from charging tax to the purchaser [35 ILCS 120/2-5(16)].

1) For example, federal law prohibits sellers from charging tax to Amtrak when it purchases petroleum products. However, federal law does not relieve the seller of Retailers' Occupation Tax liability in these transactions. For that reason, the exemption set out in this subsection is
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necessary to relieve the seller of Retailers' Occupation Tax liability when making sales of petroleum products to Amtrak.

2) The nontaxable transaction set out above is also applicable to local Retailers' Occupation Taxes imposed by municipalities, counties, the Regional Transportation Authority and Metro East Mass Transit District;

   t) of farm machinery and equipment, both new and used including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture, or state or federal agricultural programs, including individual replacement parts for the machinery and equipment and including machinery and equipment purchased for lease [35 ILCS 120/2-5(2)] (see Section 130.305);

   u) through June 30, 2003, of distillation machinery and equipment, sold as a unit or kit, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as a motor fuel or as a component of motor fuel for personal use of the user and not subject to sale or resale [35 ILCS 120/2-5(3)];

   v) through June 30, 2003, and beginning again on September 1, 2004 through August 30, 2004 through July 29, 2009, of graphic arts machinery and equipment, including repair and replacement parts [35 ILCS 120/2-5(4)] (see Section 130.325);

   w) through August 31, 2007, and beginning again on January 11, 2008, a motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code that is used for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act [35 ILCS 120/2-5(5)];

   x) of personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois [35 ILCS 120/2-5(6)] (see Section 130.2006);
y) through June 30, 2003, of that portion of the selling price of a passenger car, the sale of which is subject to the replacement vehicle tax of the Illinois Vehicle Code [625 ILCS 5/3-2001] [35 ILCS 120/2-5(7)];

z) of personal property sold to an Illinois county fair association for use in conducting, operating or promoting the county fair [35 ILCS 120/2-5(8)];

aa) of personal property sold to any not-for-profit arts or cultural organization that establishes that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 USCA 501) and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. On and after July 1, 2001, the qualifying organizations listed in this subsection (aa) must also be organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations [35 ILCS 120/2-5(9)] (see Section 130.2004 of this Part);

bb) of personal property sold by a corporation, society, association, foundation, institution or organization that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise [35 ILCS 120/2-5(10)] (see Section 130.2008);

cc) of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America or the government of any foreign country and bullion [35 ILCS 120/2-5(11)], unless the items are transferred as jewelry and therefore subject to tax;

dd) through June 30, 2003, of oil field exploration, drilling and production equipment [35 ILCS 120/2-5(19)] (see Section 130.345);

ee) of photoprocessing machinery and equipment, including repair and replacement parts [35 ILCS 120/2-5(20)] (see Section 130.2000);
ff) through June 30, 2003, of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, including replacement parts and equipment [35 ILCS 120/2-5(21)] (see Section 130.350);

gg) of fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers [35 ILCS 120/2-5(22)] (see Section 130.321);

hh) of semen used for artificial insemination of livestock for direct agricultural production. [35 ILCS 120/2-5(26)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

ii) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. [35 ILCS 120/2-5(30)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and the date of signing, a description of the items being purchased for donation, a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;
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jj) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster. [35 ILCS 120/2-5(31)] Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

kk) of a transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois [35 ILCS 120/2-5(23)];

ll) of horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This exemption applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 for taxes paid during the period beginning May 30, 2000 and ending January 1, 2008 [35 ILCS 120/2-5(27)];

mm) effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, of computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been
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issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(28)] (see Section 130.2011 of this Part);

nn) effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, of personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(29)] (see Section 130.2012 of this Part);

oo) of tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois [35 ILCS 120/2-5(17)];

pp) through June 30, 2003, of aggregate exploration, mining, off highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code [35 ILCS 120/7];

qq) beginning July 20, 1999, game or game birds purchased at:

1) a game breeding and hunting preserve area licensed by the Department of Natural Resources (see Section 3.27 of the Wildlife Code [520 ILCS 5/3.27]);

2) an exotic game hunting area licensed by the Department of Natural Resources (see Section 3.34 of the Wildlife Code [520 ILCS 5/3.34]); or

3) a hunting enclosure approved through rules adopted by the Department of Natural Resources;

rr) beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are
sponsored by an entity recognized by the school district that consists primarily of
volunteers and includes parents and teachers of the school children. This
subsection (rr) does not apply to fundraising events:

1) for the benefit of private home instruction; or

2) for which the fundraising entity purchases the personal property sold at
the events from another individual or entity that sold the property for the
purpose of resale by the fundraising entity and that profits from the sale to
the fundraising entity [35 ILCS 120/2-5(34)];

ss) of machinery or equipment used in the operation of a high impact service facility
located within an enterprise zone established pursuant to the Illinois Enterprise
Zone Act. "High impact service facility" means a facility used primarily for the
sorting, handling and redistribution of mail, freight, cargo, or other parcels
received from agents or employees of the handler or shipper for processing at a
common location and redistribution to other employees or agents for delivery to
an ultimate destination on an item-by-item basis, and which:

1) will make an investment in a business enterprise project of $100,000,000
or more;

2) will cause the creation of at least 750 to 1,000 jobs or more in an
enterprise zone established pursuant to the Illinois Enterprise Zone Act;
and

3) is certified by the Department of Commerce and Economic Opportunity as
contractually obligated to meet the requirements specified in subsection
(11)(1) and (2) within the time period as specified by the certification. The
certificate of eligibility for exemption shall be presented by the business
enterprise to its supplier when making the initial purchase of machinery
and equipment for which an exemption is granted by Section 1j of the Act,
Together with a certification by the business enterprise that such
machinery and equipment is exempt from taxation under Section 1j of the
Act and by indicating the exempt status of each subsequent purchase on
the face of the purchase order [35 ILCS 120/1i];

tt) through December 31, 2002, of jet fuel and petroleum products sold to and used
in the conduct of its business of sorting, handling and redistribution of mail,
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freight, cargo or other parcels in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act, provided that the business enterprise has waived its right to a tax exemption of the charges imposed under Section 9-222.1 of the Public Utilities Act [35 ILCS 120/1j.1]. High impact service facilities qualifying under the Act and seeking the exemption under Section 1j.1 shall be ineligible for the exemptions of taxes imposed under Section 9-222.1 of the Public Utilities Act. High impact service facilities qualifying under the Act and seeking the exemption under Section 9-222.1 of the Public Utilities Act shall be ineligible for the exemptions of taxes as described in Section 1j.1 of the Act. [35 ILCS 120/1j.2]
The certification of eligibility for exemption shall be presented by the business enterprise to its supplier when making the purchase of jet fuel and petroleum products for which an exemption is granted by Section 1j.1 of the Act, together with a certification by the business enterprise that such jet fuel and petroleum product is exempt from taxation under Section 1j.1 of the Act, and by indicating the exempt status of each subsequent purchase on the face of the purchase order [35 ILCS 120/1i];

uu) through August 20, 2004, of a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation. [35 ILCS 120/2-5(33)]
Exemption certifications must be executed by the purchaser. The certificate must include: the seller's name and address; the purchaser's name and address; the purchaser's registration number with the Department, if applicable; the purchaser's signature and date of signing; a description of the motor vehicle that is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes.
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(see Section 130.2005); the donee's sales tax exemption identification number; and a statement that the motor vehicle is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

vv) beginning August 23, 2001 and through June 30, 2011, of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act [35 ILCS 120/2-5(35-5)];

ww) beginning January 1, 2000 through December 31, 2001, of new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, of machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts from the use of the commercial, coin-operated amusement and vending machines. [35 ILCS 120/2-5(35)] (See Section 130.332 of this Part.);

xx) beginning July 1, 2007, of an aircraft, as that term is defined in Section 3 of the Illinois Aeronautics Act, if all of the following conditions are met:

1) the aircraft leaves this State within 15 days after the later of either the final billing for the sale of the aircraft or the approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 CFR 91.407;

2) the aircraft is not based or registered in this State after the sale of the aircraft; and
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3) the seller retains documents as required by the Department. [35 ILCS 120/2-5(25-7)] (See Section 130.605);

yy) effective October 11, 2007, of tangible personal property sold to a public-facilities corporation, as described in 65 ILCS 5/11-65-10, for purposes of constructing or furnishing a municipal convention hall. If, before October 11, 2007, a municipality has incorporated a public-facilities corporation and the public-facilities corporation complies with the requirements set forth in Section 11-65-10, then this exemption applies to that public-facilities corporation. [65 ILCS 5/11-65-10, 15 and 35 ILCS 120/2-5(40)];

zz) beginning January 1, 2008, of tangible personal property used in the construction or maintenance of certain community water supplies. [35 ILCS 120/2-5(39)];

aaa) beginning January 1, 2010, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to those organizations that hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, have a Class IV Rating, and conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger airservice pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. [35 ILCS 120/2-5(41)];

bbb) Effective July 12, 2006, each retailer that makes a qualified sale of building materials to be incorporated into real estate within a River Edge Redevelopment Zone in accordance with the River Edge Redevelopment Zone Act by remodeling, rehabilitating, or new construction may deduct receipts from those sales when calculating the tax imposed by the Act. [35 ILCS 120/2-54] (See Section 130.605.)
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(Source: Amended at 34 Ill. Reg. 9405, effective June 23, 2010)

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.331 Manufacturer's Purchase Credit

a) Earning Manufacturer's Purchase Credit

1) Effective January 1, 1995 through June 30, 2003, and beginning again on September 1, 2004 through August 30, 2014, a manufacturer may earn a credit when purchasing exempt manufacturing machinery and equipment. Effective July 1, 1996 through June 30, 2003, and beginning again on September 1, 2004 through August 30, 2014, a graphic arts producer may earn a credit when purchasing exempt graphic arts machinery and equipment. The credit is known as the Manufacturer's Purchase Credit or MPC. The amount of credit is limited to a percentage of the 6.25% State rate of tax that would have been incurred on the purchase of exempt manufacturing machinery and equipment. (See Section 130.325 and Section 130.330 of this Part.) By statute, MPC this exemption was repealed June 30, 2003 (Public Act 93-0024; effective June 20, 2003). Pursuant to Public Act 93-0840, effective July 30, 2004, MPC was reenacted without any specific sunset date. Subsequently, Public Act 96-116 was enacted to add a sunset date for MPC of August 30, 2014. Section 3-90 of the Use Tax Act and Section 2-70 of the Retailers' Occupation Tax Act provide that, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit or deduction, a taxpayer shall not be entitled to take the exemption, credit or deduction beginning five years after the effective date of the Public Act creating the exemption, credit or deduction and thereafter. Because no sunset date or language excepting this exemption from the statutory sunset provision was contained in Public Act 93-0840, the statutory sunset provision applies the five-year sunset. Beginning July 30, 2009, MPC will no longer be available.

2) The percentage of credit earned based upon exempt purchases increases over time as follows:

A) 15% for purchases made on or before June 30, 1995.
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B) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.

C) 40% for purchases made after June 30, 1996, and on or before June 30, 1997.

D) 50% for purchases made on or after July 1, 1997. (Section 3-85 of the Use Tax Act)

3) The credit is earned at the time qualifying manufacturing machinery and equipment or qualifying graphic arts machinery and equipment is purchased. A qualifying purchase is considered to take place as of the date of invoice of that qualifying manufacturing machinery and equipment. The credit is considered to be earned on qualifying manufacturing machinery and equipment or qualifying graphic arts machinery and equipment that is purchased under an installment contract or progress payment contract at the time that each installment or progress payment is invoiced. The amount of credit that is earned is based on the amount of tax that would have been due on that portion of the purchase price that is invoiced.

4) No credit is earned for exempt purchases under the expanded Enterprise Zone exemption, as described in Section 130.1951(b) of this Part, unless that purchase would also qualify as exempt under the Manufacturing Machinery and Equipment Exemption described in Section 130.330 of this Part or under the Graphic Arts Machinery and Equipment Exemption described in Section 130.325 of this Part.

5) No credit is earned for a purchase of tangible personal property that qualifies as an occasional sale, as described in Section 130.110 (a) of this Part.

6) No credit is earned for a purchase of tangible personal property that is purchased for resale. (See Section 130.210 (a) of this Part.)

b) Using Manufacturer's Purchase Credit
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1) The credit may be used to satisfy Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act [35 ILCS 105/3-85] and Section 3-70 of the Service Use Tax Act [35 ILCS 110/3-70].) **Credit earned prior to July 1, 2003 cannot be used after September 30, 2003.** Credit earned on and after September 1, 2004 may only be used to satisfy tax liabilities for purchases of production related tangible personal property made on and after September 1, 2004 through **August 30, 2014** July 29, 2009. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) The credit may be applied only to the 6.25% State rate of tax incurred. Prior to the credit being earned, credit may not be used on a qualifying purchase, except as provided in subsection (e)(7)(B). However, the credit may be used the same day that it is earned, but must be followed by proper reporting of the credit as set out in subsections (c), (d) and (e). For purposes of when to use accumulated Manufacturer's Purchase Credit, a manufacturer or graphic arts producer is always safe to use the credit in a month after the month in which the credit was earned.

2) The credit is non-transferable and may not be used to satisfy the tax liability of any taxpayer other than the manufacturer or graphic arts producer that earned the credit. **Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003.** (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Credit earned on and after September 1, 2004 may only be used to satisfy tax liabilities for purchases of production related tangible personal property made on and after September 1, 2004 through **August 30, 2014** July 29, 2009.

A) A manufacturer or graphic arts producer may enter into a written contract with a construction contractor to authorize that construction contractor to utilize Manufacturer's Purchase Credit accumulated by the manufacturer or graphic arts producer for the purchase of tangible personal property to be installed into real estate within a manufacturing or graphic arts production facility for use in a production related process. The written contract must specify the specific dollar amount of Manufacturer's Purchase Credit that the construction contractor is authorized to utilize on behalf of the manufacturer or graphic arts producer.
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B) To properly utilize the Manufacturer's Purchase Credit on behalf of the manufacturer or graphic arts producer when purchasing tangible personal property for installation into real estate within a manufacturing or graphic arts production facility for use in a production related process, the contractor must furnish the supplier with information stating:

i) The manufacturer's or graphic arts producer's name and address;

ii) The manufacturer's or graphic arts producer's registration or resale number; and

iii) A statement that a specific amount of Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the Manufacturer's Purchase Credit.

C) To properly utilize the Manufacturer's Purchase Credit on behalf of the manufacturer or graphic arts producer when purchasing tangible personal property for installation into real estate within a manufacturing facility, the contractor must furnish the manufacturer or graphic arts producer with information stating:

i) Each vendor's or supplier's name and address (including, if applicable, either the vendor's or supplier's registration number or Federal Employer Identification Number);

ii) The date of purchase, purchase price and description of the tangible personal property purchased; and

iii) The amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, that was satisfied by the Manufacturer's Purchase Credit utilized for each purchase.

D) A credit reported under a particular Illinois Business Tax number may not be transferred to a related but separately registered division or company.
3) Production related tangible personal property means:

A) All tangible personal property used or consumed in a production related process by a manufacturer in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place.

B) All tangible personal property used or consumed in a production related process by a graphic arts producer in a graphic arts production facility in which a graphic arts production process described in Section 2-30 of the Retailers' Occupation Tax Act takes place.

C) All tangible personal property used or consumed by a manufacturer or graphic arts producer in research and development regardless of use within or without a manufacturing or graphic arts production facility. (See Section 3-85 of the Use Tax Act.)

4) By way of illustration and not limitation, the following uses of tangible personal property will be considered production related:

A) Tangible personal property purchased by a manufacturer for incorporation into real estate within a manufacturing facility for use in a production related process; or tangible personal property purchased by a construction contractor for incorporation into real estate within a manufacturing facility for use in a production related process pursuant to a written contract described in subsection (b)(2)(A) of this Section.

B) Supplies and consumables used in a manufacturing facility, including fuels, coolants, solvents, oils, lubricants, cleaners and adhesives.

C) Hand tools, protective apparel and fire and safety equipment used or consumed in a manufacturing facility.

D) Tangible personal property used or consumed in a manufacturing facility for purposes of pre-production and post-production
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material handling, receiving, quality control, inventory control, storage, staging and packing for shipping or transportation.

E) Fuel used in a ready-mix cement truck to rotate the mixing drum in order to manufacture concrete or cement. However, only the amount of fuel used to rotate the drum will qualify. The amount of fuel used or consumed in transportation of the truck will not qualify as production related tangible personal property. The amount of fuel used in a qualifying manner to rotate the drum may be stated as a percentage of the entire amount of fuel used or consumed by the ready-mix truck.

F) Tangible personal property purchased by a graphic arts producer for incorporation into real estate within a graphic arts production facility for use in a production related process; or tangible personal property purchased by a construction contractor for incorporation into real estate within a graphic arts production facility for use in a production related process pursuant to a written contract described in subsection (b)(2)(A) of this Section.

G) Supplies and consumables used in a graphic arts production facility, including solvents, oils, lubricants, cleaners and adhesives. Paper and ink that is transferred to a customer does not qualify as production related tangible personal property.

H) Hand tools, protective apparel and fire and safety equipment used or consumed in a graphic arts production facility.

I) Tangible personal property used or consumed inside a graphic arts facility for purposes of preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping and packaging.

5) By way of illustration and not limitation, the following uses of property will not be considered production related:

A) The use of trucks, trailers and motor vehicles that are required to be titled or registered pursuant to the Illinois Motor Vehicle Code
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[625 ILCS 5], and aircraft or watercraft required to be registered with an agency of State or federal government.

B) Office supplies, computers, desks, copiers and equipment that are used for sales, purchasing, accounting, fiscal management, marketing and personnel recruitment or selection activities, even if the use takes place within a manufacturing or graphic arts production facility.

C) Tangible personal property used or consumed for aesthetic or decorative purposes, including landscaping and artwork.

D) Tangible personal property used or consumed outside the manufacturing or graphic arts production facility, including tangible personal property listed in subsections (b)(4)(D) and (b)(4)(I) with the exception of tangible personal property used or consumed for research and development purposes.

E) Tangible personal property purchased by a construction contractor for incorporation into a manufacturing or graphic arts production facility, unless the purchase by the construction contractor was made on behalf of a manufacturer or graphic arts producer pursuant to a written contract described in subsection (b)(2)(A) of this Section.

F) Except as otherwise provided in subsection (b)(2) of this Section, tangible personal property transferred to a manufacturer's customer or the customer of a person that is engaged in graphic arts production. For example, paper and ink transferred to a customer by a de minimis serviceman as described in 86 Ill. Adm. Code 140.108 that is engaged in graphic arts production is not considered production related.

6) The credit may be used to satisfy the State portion (6.25%) of a Use Tax or Service Use Tax liability arising under audit where the liability established is the result of:

A) an erroneous claim of the Manufacturing Machinery and Equipment Exemption provided in Section 2-45 of the Retailers'
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Occupation Tax Act,

B) an erroneous claim of the Graphic Arts Machinery and Equipment Exemption provided in Section 2-5(4) of the Retailers' Occupation Tax Act, or

C) the manufacturer or graphic arts producer failing to self-assess and remit Use Tax or Service Use Tax on the purchase of production related tangible personal property.

(See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.) The credit may only be used to satisfy the State portion (6.25%) of a Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. Under no circumstances may the credit be used to satisfy penalty and interest or other tax liability incurred by the manufacturer or graphic arts producer.

7) Credit may be used to satisfy the State portion (6.25%) of a qualifying Use Tax or Service Use Tax liability incurred by a manufacturer or graphic arts producer on a purchase of production related tangible personal property when payment of tax must be made directly to the Department.

8) The credit expires December 31st of the second calendar year following the calendar year in which the credit was earned. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.) However, for credit earned on or after June 30, 1995, the life of unreported credit may be extended during the period of an agreed extension of the statute of limitations as provided in subsection (e)(7).

9) A manufacturer or graphic arts producer may use credit to satisfy Service Use Tax liability only when purchasing production related tangible personal property transferred incident to a sale of service.

10) Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003, including to satisfy an audit liability. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provision of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made
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after August 30, 2014.

July 29, 2009.

c) Reporting Manufacturer's Purchase Credit Earned or Used for Periods from January 1, 1995 through June 29, 1995

1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment or credit used on a qualifying purchase, the manufacturer must report credit earned to the Department in a timely manner. Failure to report credit earned will result in expiration of the credit as of the date earned.

2) On forms prescribed or approved by the Department, a manufacturer must report credit earned or used by the last day of the second month following the month of creation or use of the credit. No credit report is required for any month in which a manufacturer neither earned nor used credit. Original invoices or copies of original invoices are not to be filed with the Department.

3) Credit Use or Misuse Causing Expiration of Credit. Credit used, whether properly or improperly, expires upon use and cannot be recreated once used. The manufacturer may be liable for tax, penalty and interest on the purchase of production related tangible personal property where expired credit was used, in accordance with provisions of the Uniform Penalty and Interest Act [35 ILCS 735]. The following represent examples of uses of credit that will result in expiration of the credit:

A) Failure to report credit or use of credit.

B) Failure to timely report credit or use of credit.

C) Use of credit prior to actually earning credit as described in subsection (a)(3).

D) Return of goods to supplier for full refund including tax where credit was tendered in payment of tax. Credit expires once used and cannot be recreated once used regardless of reason for return.

4) A purchaser earning Manufacturer's Purchase Credit must maintain records, as to each purchase of manufacturing machinery and equipment
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on which the purchaser earned Manufacturer's Purchase Credit, that identify the following:

A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);

B) The date of purchase, purchase price and description of the exempt manufacturing machinery and equipment; and

C) The amount of Manufacturer's Purchase Credit earned on that purchase.

5) A purchaser using Manufacturer's Purchase Credit must maintain records, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability, that identify the following:

A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);

B) The date of purchase, purchase price and description of the production related tangible personal property; and

C) The amount of Manufacturer's Purchase Credit used to satisfy the purchaser's Use Tax or Service Use Tax liability on that purchase.

6) As determined pursuant to audit by the Department, credit earned by purchase of exempt machinery and equipment that has not been timely and properly reported will result in expiration of the credit. Use of expired credit in this situation may result in an assessment for tax, penalty and interest on the subsequent purchase of production related tangible personal property. Credit that was properly reported when earned but was not timely and properly reported to the Department when used will likewise expire resulting in an assessment for tax, penalty and interest on the purchase of production related tangible personal property for which it was offered in payment of Use Tax or Service Use Tax liability.
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d) Reporting Manufacturer's Purchase Credit Earned or Used on June 30, 1995

1) The reporting requirements for Manufacturer's Purchase Credit were changed by Public Act 89-89, effective June 30, 1995. In order to provide consistent and easier reporting requirements for manufacturers utilizing Manufacturer's Purchase Credit and the Department's Administration of the Manufacturer's Purchase Credit program, manufacturers are required to report Manufacturer's Purchase Credit earned or used on June 30, 1995, under the methods described in subsection (c) of this Section. However, the Manufacturer's Purchase Credit earned or used on that date will be subject to the provisions described in subsection (e) of this Section without the necessity of including those Manufacturer's Purchase Credits in an Annual Report of Manufacturer's Purchase Credit Earned or an Annual Report of Manufacturer's Purchase Credit Used.

2) A manufacturer filing an amended Annual Manufacturer's Purchase Credit Report under subsection (e)(7) of this Section that includes Manufacturer's Purchase Credit earned or used on June 30, 1995 must disclose that the report includes Manufacturer's Purchase Credit earned or used on June 30, 1995.

e) Reporting Manufacturer's Purchase Credit Earned or Used for Periods on or after July 1, 1995

1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment or exempt graphic arts machinery and equipment, the manufacturer or graphic arts producer must report credit earned to the Department by signing and filing an Annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which the Manufacturer's Purchase Credit is earned. The Annual Report of Manufacturer's Purchase Credit Earned shall be filed on forms prescribed or approved by the Department and shall state, for each month of the calendar year:

A) The total purchase price of all purchases of exempt manufacturing machinery and equipment or graphic arts machinery and equipment on which the credit was earned;
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B) The total State Use Tax or Service Use Tax that would have been
due on those items;

C) The percentage used to calculate the amount of credit earned;

D) The amount of credit earned; and

E) Such other information as the Department may reasonably require.
   (See Section 3-85 of the Use Tax Act.)

2) A purchaser earning Manufacturer's Purchase Credit must maintain
records, as to each purchase of manufacturing machinery and equipment
and graphic arts machinery and equipment on which the purchaser earned
Manufacturer's Purchase Credit, that identify the following:

A) The vendor or supplier (including, if applicable, either the vendor's
   or supplier's Illinois registration number or Federal Employer
   Identification Number);

B) The date of purchase, purchase price and description of the exempt
   manufacturing machinery and equipment and graphic arts
   machinery and equipment; and

C) The amount of Manufacturer's Purchase Credit earned on that
   purchase.

3) In order to validate credit used to satisfy the tax liability on purchases of
production related tangible personal property, the manufacturer or graphic
arts producer must report credit used to the Department by signing and
filing an Annual Report of Manufacturer's Purchase Credit Used for each
calendar year no later than the last day of the sixth month following the
calendar year in which the Manufacturer's Purchase Credit is used. The
Annual Report of Manufacturer's Purchase Credit Used shall be filed on
forms prescribed or approved by the Department and shall state, for each
month of the calendar year:

A) The total purchase price of all production related tangible personal
   property purchased from Illinois vendors or suppliers;
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B) The total purchase price of all production related tangible personal property purchased from out-of-State vendors or suppliers;

C) The total amount of Manufacturer's Purchase Credit used during each month; and

D) Such other information as the Department may reasonably require. (See Section 3-85 of the Use Tax Act.)

4) A purchaser using Manufacturer's Purchase Credit must maintain records, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability, that identify the following:

A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);

B) The date of purchase, purchase price and description of the production related tangible personal property; and

C) The amount of Manufacturer's Purchase Credit used to satisfy the purchaser's Use Tax or Service Use Tax liability on that purchase.

5) No Annual Report of Manufacturer's Purchase Credit Earned or Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department before May 1, 1996. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)

6) A purchaser that fails to properly file an Annual Report of Manufacturer's Purchase Credit Earned or an Annual Report of Manufacturer's Purchase Credit Used with the Department by the last day of the sixth month following the end of the calendar year forfeits all Manufacturer's Purchase Credit earned or used for that calendar year, unless the purchaser establishes that the purchaser's failure to file was due to reasonable cause. The reasonable cause provisions of this subsection (e)(6) do not apply after June 30, 2004 for any annual report that is required to be filed on or
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7) Annual Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases of manufacturing machinery and equipment and graphic arts machinery and equipment not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a Notice of Tax Liability as provided in Section 4 of the Retailers' Occupation Tax Act. However, such an agreed extension will not restore a credit that has previously been reported and has expired prior to the agreed extension. Manufacturer's Purchase Credit that had not been previously reported and is included in an amended Annual Report submitted as a result of such an agreed extension will expire as provided in subsection (b)(8) of this Section or at the end of the agreed extension period, whichever is longer. If the time for assessment or refund has been extended by agreement, amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003, and no Annual Report of Manufacturer's Purchase Credit Earned or Annual Report of Manufacturer's Purchase Credit Used that is required to be filed on or before June 30, 2004 may be filed with the Department after June 30, 2004 even if the time for assessment or refund has been extended by agreement. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provision of this Section, the credit earned on or after August 30, 2014 cannot be used on a purchase of production related tangible personal property made after July 29, 2009, and no original Annual Report of Manufacturer's Purchase Credit Earned or original Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2015. Manufacturer's Purchase Credit claimed on an amended report may be used to satisfy tax liability under the Use Tax Act or the Service Use Tax Act on:

A) Qualifying purchases of production related tangible personal property made after the date the amended report is filed;

B) Amounts assessed by the Department on purchases made on or
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after January 1, 1995 of machinery and equipment that did not qualify for the exemption described in Section 130.330 of this Part, but would have qualified as production related tangible personal property. The credit will be applied to the tax portion of the assessment liability as of the date that the Department receives a written request by the purchaser directing the Department to apply the credit to the assessment liability; or

C) Amounts assessed by the Department on purchases made on or after July 1, 1996 of machinery and equipment that did not qualify for the exemption described in Section 130.325 of this Part, but would have qualified as production related tangible personal property. The credit will be applied to the tax portion of the assessment liability as of the date that the Department receives a written request by the purchaser directing the Department to apply the credit to the assessment liability.

8) A purchaser who used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability incurred on the purchase of property that is later determined not to qualify as production related tangible personal property may be liable for tax, penalty and interest on the purchase of that property as of the date of the purchase. However, the purchaser is entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired, on qualifying purchases of production related tangible personal property not previously subject to credit usage.

9) Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003, including to satisfy an audit liability. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provision of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after August 30, 2014July 29, 2009, and no original Annual Report of Manufacturer's Purchase Credit Earned or original Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 20152010.

f) Retailers or Servicemen Accepting Manufacturer's Purchase Credit
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1) In order to accept Manufacturer's Purchase Credit from a manufacturer or graphic arts producer, the supplier or serviceman must obtain a Manufacturer's Purchase Credit certificate from the manufacturer or graphic arts producer unless the manufacturer or graphic arts producer has incorporated its certification into the manufacturer's or graphic arts producer's purchase order as described in this Section. The manufacturer or graphic arts producer may provide the certification on a form provided by the Department or on the manufacturer's or graphic arts producer's own form containing the appropriate information. The certificate must be kept in the supplier's or serviceman's books and records, but need not be submitted to the Department with the supplier's or serviceman's return. A Manufacturer's Purchase Credit certificate must contain the following information:

A) A signed statement that the manufacturer or graphic arts producer is using available accumulated Manufacturer's Purchase Credit to satisfy all or part of the 6.25% portion of Use Tax or Service Use Tax liability incurred on a qualifying purchase of production related tangible personal property;

B) The manufacturer's or graphic arts producer's name and address;

C) The manufacturer's or graphic arts producer's registration number, if registered;

D) The date of purchase of the production related tangible personal property; and

E) The credit being used. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

2) A manufacturer or graphic arts producer may incorporate the Manufacturer's Purchase Credit certification into the manufacturer's or graphic arts producer's purchase order if all of the required information is contained within that purchase order.

3) Manufacturer's Purchase Credit accepted by the supplier or serviceman may be used by the supplier or serviceman to pay its liability incurred under the Retailers' Occupation Tax Act or Service Occupation Tax Act,
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so long as the supplier or serviceman complies with the following:

A) The supplier or serviceman may not accept credit in excess of 6.25% of the purchase price of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

B) The supplier or serviceman must properly report the credit to the Department in order to use the credit to pay Retailers' Occupation Tax or Service Occupation Tax liability. The Manufacturer's Purchase Credit (MPC) does not create an exemption or an authorized deduction. The MPC is a means for the supplier or serviceman to pay Retailers' Occupation Tax or Service Occupation Tax, as the case may be. Therefore, the receipts from transactions in which customers have provided MPC cannot be deducted from the gross receipts reported on the Sales and Use Tax Return (Form ST-1). Receipts from transactions in which customers have provided MPC must be included in gross receipts subject to tax reported on line 1 and line 3 of the return. The resulting tax on those gross receipts can then be paid by using the credit on line 16a of the return.

4) Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003. Manufacturer's Purchase Credit reported on any original or amended return filed after October 20, 2003 and before October 1, 2004 will be disallowed. Beginning on September 1, 2004, retailers and servicemen may accept MPC certifications for qualifying purchases made on and after September 1, 2004 through August 30, 2014. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)

g) Lessors Earning and Using Manufacturer's Purchase Credit

1) A lessor leasing exempt manufacturing machinery and equipment to a manufacturer or graphic arts machinery and equipment to a graphic arts producer may earn Manufacturer's Purchase Credit when purchasing the machinery and equipment, in the same manner as a manufacturer or graphic arts producer.
2) A lessor leasing qualifying production related tangible personal property to a manufacturer or graphic arts producer may use Manufacturer's Purchase Credit when purchasing the qualifying property in the same manner as a manufacturer or graphic arts producer. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

3) A lessor of exempt machinery and equipment and qualifying production related tangible personal property must report the accumulation and use of credit in the same manner as required for manufacturers or graphic arts producers.

4) Since the Manufacturer's Purchase Credit is a non-transferable credit, a lessor may not use credit earned by a lessee, nor may a lessor transfer credit it has earned to a lessee.

5) Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provisions of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after August 30, 2014.

h) Retailers or Servicemen Accepting Manufacturer's Purchase Credit After Qualifying Purchases

1) A manufacturer or graphic arts producer that does not provide the certification or purchase order as provided in subsection (f) of this Section to a retailer or serviceman at the time of purchase of production related tangible personal property must pay the appropriate amount of Use Tax or Service Use Tax at that time to the retailer or serviceman. However, retailers and servicemen are not prohibited from accepting Manufacturer's Purchase Credit (MPC) certifications after qualifying sales of production related tangible personal property have taken place. Retailers and servicemen are not required to accept the certifications and are not required to refund the amount of Use Tax or Service Use Tax that was properly paid by the manufacturers or graphic arts producers in exchange for the certificates after the sales have taken place. Notwithstanding any
other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003. Notwithstanding any other provision of this Section, the credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after August 30, 2014 through July 29, 2009. Retailers and servicemen cannot accept MPC certifications for any purchase, including certifications for prior qualifying sales, after September 30, 2003 through August 31, 2004. Beginning on September 1, 2004, retailers and servicemen may accept MPC certifications for qualifying purchases made on and after September 1, 2004 through August 30, 2014 through July 29, 2009. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)

2) Retailers and servicemen that choose to accept MPC certifications from manufacturers and graphic arts producers after qualifying sales of production related tangible personal property have taken place and refund the amount of Use Tax or Service Use Tax that was properly paid by those manufacturers or graphic arts producers must file amended returns or claims for credit or refund as provided in Section 130.1501 of this Part. However, to avoid the potential of retailers and servicemen filing multiple amended returns and claims for credit or refund, retailers and servicemen may elect to report the acceptance of that MPC on line 16a of the retailers' and servicemen's sales and use tax returns for the period in which those refunds occurred. The retailer's or serviceman's election to report the acceptance of the credit on their current return, in lieu of filing an amended return and claim for credit or refund, does not supersede the applicability of the statute of limitations described in Section 130.1501(a)(4) of this Part to the claiming of that credit by the retailer or serviceman. Retailers and servicemen may only refund the 6.25% of State Use Tax or Service Use Tax paid by the manufacturers and graphic arts producers. (See subsection (b) of this Section.) Manufacturer's Purchase Credit reported on any original or amended return filed after October 20, 2003 through August 31, 2004 will be disallowed. Beginning on September 1, 2004, retailers and servicemen may accept MPC certifications for qualifying purchases made on and after September 1, 2004 through August 30, 2014 through July 29, 2009. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)

3) Manufacturers and graphic arts producers who provide MPC certifications
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to retailers or servicemen after qualifying sales of production related tangible personal property have taken place as provided in this subsection (h) must report the use of the credit on an Annual Report of Manufacturer's Purchase Credit Used for the calendar year in which the certification was provided listing the use of the credit in the month in which the certification is provided. No Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2004 through December 31, 2004. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) No original Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2015.

4) Example: A manufacturer purchased production related tangible personal property from a retailer in June 1999. The manufacturer paid Use Tax to the retailer at the time of purchase. In January 2001, the manufacturer asks the retailer to accept an MPC certification for the June 1999 purchase and refund the Use Tax (6.25%) paid previously by the manufacturer. The retailer chooses to accept the certification and refunds the amount of the Use Tax (6.25%) to the manufacturer. The retailer makes the election to report the acceptance of the credit on line 16a of the retailer's January 2001 sales and use tax return (rather than filing an amended return or claim for credit or refund). The manufacturer must report the use of the credit in the month of January on an Annual Report of Manufacturer's Purchase Credit Used for the year 2001.

i) Manufacturers or Graphic Arts Producers Reporting Use of Manufacturer's Purchase Credit After Qualifying Purchases When Use Tax or Service Use Tax Was Already Paid Directly to the Department

1) Manufacturers and graphic arts producers who self-assess Use Tax or Service Use Tax directly to the Department are not prohibited from reporting the use of Manufacturer's Purchase Credit (MPC) after the qualifying purchase of production related tangible personal property when those manufacturers or graphic arts producers have already paid the appropriate amount of Use Tax or Service Use Tax directly to the Department. Notwithstanding any other provision of this Section, the credit earned prior to July 1, 2003 cannot be used after September 30, 2003. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) Notwithstanding any other provision of this Section,
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credit earned on or after September 1, 2004 cannot be used on a purchase of production related tangible personal property made after August 30, 2014.

2) Manufacturers and graphic arts producers who choose to use MPC as provided in this subsection (i) must file an amended return or claim for credit or refund with the Department as provided in Section 130.1501 of this Part. However, to avoid the potential of manufacturers and graphic arts producers filing multiple amended returns and claims for credit or refund, manufacturers and graphic arts producers may elect to report the use of that credit on line 16a of their current sales and use tax returns. The manufacturer's or graphic arts producer's election to report the acceptance of the credit on the current return, in lieu of filing an amended return and claim for credit or refund, does not supersede the applicability of the statute of limitations described in Section 130.1501(a)(4) of this Part to the claiming of that credit by the manufacturer or graphic arts producer. Manufacturer's Purchase Credit reported on any original or amended return filed after October 20, 2003 through August 31, 2004 will be disallowed. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act)

3) Manufacturers and graphic arts producers who report the use of MPC on their current sales and use tax return as provided in this subsection (i) must also report the use of the credit on an Annual Report of Manufacturer's Purchase Credit Used for the calendar year in which the manufacturer's or graphic arts producer's current sales and use tax return falls. No Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2004 through December 31, 2004. (Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act) No original Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department after June 30, 2010.

4) Example: A manufacturer, that self assesses Use Tax and Service Use Tax directly to the Department, made a qualifying purchase of production related tangible personal property in August 1999 and paid the Use Tax on that purchase to the Department with the manufacturer's August 1999 return. In January 2001, the manufacturer chose to use currently available MPC to satisfy the Use Tax liability that was incurred on that qualifying purchase back in August 1999. The manufacturer elected to report the use
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of the MPC on line 16a of the manufacturer's sales and use tax return for the month of January 2001 (rather than filing an amended return or claim for credit or refund). The manufacturer must also report the use of that credit in the month of January on an Annual Report of Manufacturer's Purchase Credit Used for the year 2001.

(Source: Amended at 34 Ill. Reg. 9405, effective June 23, 2010)

SUBPART S: SPECIFIC APPLICATIONS

Section 130.1934 Community Water Supply

a) Tangible Personal Property Used in the Construction and Maintenance of a Community Water Supply – In General

Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act is exempt from the tax imposed by the Retailers' Occupation Tax Act. [35 ILCS 120/2-5(39)]

b) Definitions

"Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. (Section 3.145 of the Environmental Protection Act [415 ILCS 5/3.145])

"Construction" means building, construction, reconstruction, alteration, replacement, extension, rehabilitation, betterment, development, embellishment, remodeling, remediation, renovation or improvement of a community water supply, and adding to or subtracting from any building, structure, plant, works or facility, or any part thereof.

"Maintenance" means routine, recurring and usual work for the preservation, protection and keeping of any community water supply for its intended purposes in a safe and continually usable condition for which it was designed, improved, constructed, altered or repaired.
"Not-for-profit corporation" means a corporation subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105/101.01].

"Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. [415 ILCS 5/3.365]

c) Tangible Personal Property Used in the Construction and Maintenance of a Community Water Supply – Tangible Personal Property Qualifying for the Exemption

1) Tangible personal property purchased and used in the construction or maintenance of structures and physical plant owned by a community water supply that is physically incorporated into the structures and physical plant qualifies for the exemption. For example, gross receipts from sales of:

A) storage tanks, well structures, intakes and cribs, pumps, filters, pipes, treatment facilities and plants, and appurtenances, used for the purpose of furnishing water, can qualify for the exemption;

B) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal can qualify for the exemption;

C) plumbing systems and components of those systems such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes can qualify for the exemption;

D) heating systems and components of those systems such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators can qualify for the exemption;
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E) electrical systems and components of those systems such as wiring, outlets and light fixtures that are physically incorporated into the real estate can qualify for the exemption;

F) central air conditioning systems, ventilation systems and components of those systems that are physically incorporated into the real estate can qualify for the exemption;

G) built-in cabinets physically incorporated into the real estate can qualify for the exemption;

H) built-in appliances such as refrigerators, stoves, ovens and trash compactors that are physically incorporated into the real estate can qualify for the exemption; and

I) floor coverings such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips") can qualify for the exemption.

2) Tangible personal property purchased and owned by a community water supply that is not physically incorporated into the structures and physical plant owned by a community water supply but is used in the construction and maintenance of a community water supply qualifies for the exemption. For example, gross receipts from sales of:

A) tools, machinery and other similar items that are used to construct or maintain the community water supply qualify for the exemption;

B) backhoes, trenchers, bulldozers and other similar equipment used to construct or maintain the community water supply qualify for the exemption; and

C) trucks and motor vehicles used by field personnel to construct or maintain the community water qualify for the exemption.

3) Tangible personal property purchased and owned by a community water supply that is not used in the construction and maintenance of a
community water supply or that is not physically incorporated into the structures and physical plant owned by a community water supply does not qualify for the exemption. For example, gross receipts from sales of:

A) motor vehicles used by managers and office personnel do not qualify for the exemption;

B) plants and landscaping materials do not qualify for the exemption;

C) concrete, cement, asphalt and outdoor lighting used in the construction or maintenance of parking facilities do not qualify for the exemption;

D) free-standing appliances such as stoves, oven, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers that may be connected to and operate from a building's electrical or plumbing system but that are not physically incorporated into the real estate do not qualify for the exemption; and

E) floor coverings such as rugs that do not qualify under (c)(1)(I) or that are attached to the structure or physical plant using only two-sided tape do not qualify for the exemption.

4) Tangible personal property purchased and owned by a community water supply used in the operation of a community public water supply does not qualify for the exemption. For example, gross receipts from sales of:

A) fuel used to operate the community water supply, trucks, vehicles, backhoes, trenchers, bulldozers and equipment owned by the community water supply does not qualify for the exemption;

B) office supplies, cleaning supplies and office equipment do not qualify for the exemption;

C) cell phones, communication devices and personal digital assistants do not qualify for the exemption; and
D) chemicals or minerals such as chlorine, lime or charcoal do not qualify for the exemption.

d) Tangible Personal Property Purchased by Lessors for Lease to Community Water Supply Entities

Tangible personal property that qualifies under this Section that is purchased by a lessor and leased to a community water supply does not qualify for the community water supply exemption. The exemption does not extend to lessors. Lessors of tangible personal property under true leases are deemed to be the users of that property. Consequently, lessors incur a Use Tax liability (and applicable local occupation tax reimbursement obligations) based on their cost price of the items. See 86 Ill. Adm. Code 130.220 (Sales to Lessors of Tangible Personal Property) and 86 Ill. Adm. Code 130.2010 (Persons Who Rent or Lease the Use of Tangible Personal Property to Others).

e) Certificates of Eligibility for Sales Tax Exemption

1) To document the exemption, the retailer must obtain from the purchaser a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the not-for-profit corporation that operates the community water supply. The Certificate of Eligibility for Sales Tax Exemption must be obtained by the retailer at the time of sale. If the retailer obtains the necessary certifications from the community water supply, the retailer shall be relieved of any tax liability relating to the sale in the event the tangible personal property purchased by the community water supply from the retailer is not used by the community water supply in the construction or maintenance of the community water supply identified in the Certificate of Eligibility for Sales Tax Exemption issued by the not-for-profit corporation.

2) The Certificate of Eligibility for Sales Tax Exemption must contain all of the following:

A) the name of the not-for-profit corporation operating the community water supply;

B) the location or address of the community water supply;
C) a statement that the community water supply identified in the Certificate meets all the requirements of Section 2-5(39) of the Retailers' Occupation Tax Act;

D) a statement that the not-for-profit corporation is in good standing and has not been dissolved; in addition, a foreign not-for-profit corporation shall also state that it has obtained a certificate of authority to conduct affairs in this State and the certificate has not been withdrawn;

E) a description of the tangible personal property being purchased;

F) a statement that the tangible personal property is either:

i) being purchased and used in the construction or maintenance of structures and physical plant owned by a community water supply and physically incorporated into the structures and physical plant; or

ii) being purchased for use in the construction or maintenance of a community water supply by a community water supply;

G) the signature of the chief executive officer of the not-for-profit corporation operating the community water supply or the chief executive officer's duly authorized designee.

f) Contractors

1) This exemption extends to and includes qualifying tangible personal property identified in subsection (c)(1) used in the construction or maintenance of a community water supply purchased by a contractor who transfers the tangible personal property in fulfillment of a construction contract with a not-for-profit corporation that operates a community water supply. This community water supply exemption does not extend to contractors purchasing tangible personal property identified in subsection (c)(2). To document the exemption, the contractor should certify to the retailer that the qualifying tangible personal property will be used in the construction or maintenance of a community water supply and provide
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the retailer with a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the not-for-profit corporation that operates the community water supply.

2) If the retailer obtains the necessary certifications from the contractor, the retailer shall be relieved of any tax liability relating to the sale in the event the tangible personal property purchased by the contractor from the retailer is not used by the contractor in the construction or maintenance of the community water supply identified in the Certificate of Eligibility for Sales Tax Exemption issued by the not-for-profit corporation. If it is subsequently determined that the tangible personal property was not used by the contractor in the construction or maintenance of a community water supply, the contractor shall be liable for Use Tax on the purchase of the tangible personal property for which an exemption was claimed under this Section. The contractor shall be liable for Use Tax on tangible personal property physically incorporated into a community water supply when the tangible personal property or the community water supply does not qualify for the exemption provided by this Section.

g) Sunset
The exemption for tangible personal property used in the construction or maintenance of a community water supply contained in Section 2-5(39) of the Retailers' Occupation Tax Act and this Section is not subject to the sunset provisions of Section 2-70 of the Retailers' Occupation Tax Act.

(Source: Added at 34 Ill. Reg. 9405, effective June 23, 2010)
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1) **Heading of the Part**: Issuance of Licenses

2) **Code Citation**: 92 Ill. Adm. Code 1030

3) **Section Numbers**
   - 1030.1 Amendment
   - 1030.12 New
   - 1030.APPENDIX B Amendment

4) **Statutory Authority**: 625 ILCS 5/2-104 and 15 ILCS 335/4C

5) **Effective Date of Rulemaking**: June 23, 2010

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: 34 Ill. Reg. 3408; March 19, 2010

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Difference between proposal and final version**: In Section 1030.1, SOS added a definition of "Local Continuum of Care".

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

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

14) **Are there any rulemakings pending on this Part?** No

15) **Summary and Purpose of Rulemaking**: This rulemaking will allow the Secretary of State to enact Public Act 96-183 to issue identification cards to homeless individuals at no fee. In addition, in an ongoing effort to combat fraud, this rulemaking will strengthen proof of residency and the documents the office accepts as such proof.
16) Information and questions regarding this adopted rulemaking shall be directed to:

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the
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minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist
law enforcement official
member of the judiciary
Member of the Board
National Driver Register
authorized Secretary of State employee
employee of the U.S. Department of Transportation, Office of Motor Carriers
motor vehicle departments of foreign states
driver rehabilitation specialist
problem driver pointer system
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"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.
"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –

  has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

  has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or

  is designed to transport 16 or more passengers, including the driver; or
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is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5). [625 ILCS 5/6-500(6)]

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.
"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" – the Department of Driver Services within the Office of the Secretary of State.
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"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1) or who have a disability so severe that it precludes the individual from obtaining an Illinois driver's license.

"Disqualification" – a disqualification means any of the following three actions:

1. the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;
2. any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);
3. a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391. [625 ILCS 5/1-115.3]

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" – operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.
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"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.
"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional
opinion from the competent medical specialist that the driver is medically/
mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has
been completed in its entirety that does not require additional information and/or
clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate
administration within the U. S. Department of Transportation dedicated to
improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or
imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative
determination by TSA, including the resolution of related appeals, that an
individual poses a security threat warranting denial of a Hazardous Material
Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken
for the purpose of a criminal background investigation for a charter bus driver
endorsement and submitted to the Illinois Department of State Police (ISP) and
the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10
persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the
definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been
granted temporary, legal entry into this country by the U.S. Citizenship and
Immigration Services (USCIS), who is temporarily residing in this State and is
ineligible to obtain a social security number through the Social Security
Administration, and who is not required to obtain a driver's license issued by the
U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral
directions given by the examiner.
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"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.
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"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Homeless Person" – has the same meaning established by the federal McKinney-Vento Homeless Assistance Act (42 USC 11302 or 42 USC 11434a(2)).

"Homeless Status Certification" – a form that must be completed and signed by a representative of an agency that can verify the applicant's homeless status. The form must also be signed by the person making application for an identification card at no fee who identifies himself or herself as homeless.

"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.


"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that
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contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalio, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Local Continuum of Care" – a local or regional system for helping people who are homeless or at imminent risk of homelessness by providing housing and services appropriate to the whole range of homeless needs in the community, from homeless prevention to emergency shelter to permanent housing.
"Mandatory Insurance" – the insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

- a condition that the driver remain under the care of his/her competent medical specialist;
- a condition that the driver adhere to the treatment and/or medication;
- authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;
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possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.
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"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motorized Pedalcycle" – a motor-driven cycle with speeds attainable in one mile of 30 mph or less, equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50cc. The power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35º from the straight ahead.
"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.
"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

- Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

  *Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];*

- *Current declaration page of a liability policy [625 ILCS 5/7-602(c)]* that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

- *Liability insurance binder [625 ILCS 5/7-602(d)];*

- *Certificate of Insurance [625 ILCS 5/7-602(d)];*

- *Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)]* that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

- *Current rental agreement [625 ILCS 5/7-602(e)];*

- Registration plates, registration sticker or other evidence of registration issued by the Secretary of State’s Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];
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Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.
"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for
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certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

- Any public or private primary or secondary school;
- Any primary or secondary school operated by a religious institution; or
- Any public, private or religious nursery school.

This definition shall not include the following:

- A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:
  - On a regularly scheduled route for the transportation of other fare paying passengers;
  - Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or
  - Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]
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"School Bus Commercial Instruction Permit" or "School Bus CIP" – an instruction permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.
"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.
"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.
"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5(Art. 104-10).

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used
and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

(Source: Amended at 34 Ill. Reg. 9457, effective June 23, 2010)

**Section 1030.12 Identification Cards for the Homeless**

a) An applicant for an identification card who otherwise qualifies for an identification card and who submits a completed homeless status certification, completed no longer than 90 days before the date of application, shall be issued an identification card at no cost.

b) The homeless status certification may be completed and signed by:

1) a representative of a homeless service agency that receives federal, State, county or municipal funding to provide those services or that is otherwise sanctioned by local continuum of care;
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2) an attorney licensed to practice law in the State of Illinois;

3) a public school homeless liaison or school social worker;

4) a human services provider funded by the State of Illinois to serve homeless or runaway youth, individuals with mental illness or individuals with addictions; or

5) a representative of a religious organization that offers services to the homeless.

c) The homeless status certification must also be signed by the applicant seeking the identification card.

d) The homeless status certification must be executed in front of a notary public.

(Source: Added at 34 Ill. Reg. 9457, effective June 23, 2010)
Section 1030. APPENDIX B Acceptable Identification Documents

a) Except as provided for in subsections (m) and (n), an applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, and C and two documents from Group D as outlined in subsection (f).

b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, B, and C and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee Division Administrator.

c) Except as provided for in subsections (m) and (n), an applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B, and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (f). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.

d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A, B, and C and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee Division Administrator.
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e) Applicants renewing a current Illinois driver's license or identification card need only present a current valid license or ID card. If they do not have a current driver's license or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, as outlined in subsection (f). Except as provided for in subsections (m) and (n), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (f).

f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. **All acceptable documents presented for verification or proof must be valid (current and not expired).** Photocopies will not be accepted.

1) GROUP A (Written Signature)

   Canceled Check (w/in 90 days)

   Cooperative Driver Training Program (CDTP) Certification Form

   Court Order

   Credit Card – Major Brand

   Driver Education Certificate

   Government Driver's License

   Government Identification Card

   Illinois Driver's License – current

   Illinois Identification Card – current

   U.S. Citizenship and Immigration Services (USCIS) forms:

   I-551 (Alien Registration Card)
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I-688 (Temporary Resident Card)
I-688A (Employment Authorization Card)
I-688B (Employment Authorization Card)
I-766 (Employment Authorization Card)
I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-state Driver's License/ID Card – current

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Official Grade/High School Transcript

Illinois Driver's License – current

Illinois Identification Card – current
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U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

I-688 (Temporary Resident Card)

I-688A (Employment Authorization Card)

I-688B (Employment Authorization Card)

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

U.S. Visa

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

U.S. Passport Card – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record
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Illinois Identification Card Record

Military Driver's License – U.S. US

Military Identification Card – U.S. US

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency / Personal Data)

Examples of residency may be, but are not limited to, the following:

Affidavit – Certificate of Residency

Credit Report issued by Experian, Equifax or TransUnion – dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City of Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Illinois FOID Card

Jury Duty Notice issued within 90 days prior to application

Selective Service Card
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Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

Voter Registration Card

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

Vehicle Registration Card

Utility Bill – Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

Utility Bill

Vehicle Registration Card

Voter Registration Card

Lease Agreement

g)  Documents Current forms of identification with an Illinois street address that do not appear on the list of unacceptable identification may also be used to verify residency. Any document listed in Group A, B or C, as outlined in subsection (f), that contains the full residence address, and other forms of identification not listed as unacceptable may also be used for Group D, as outlined in subsection (f) to verify personal data.

h)  For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.

i)  Group B documents, as outlined in subsection (f), must contain the applicant's full
name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.

j) Group C documents, as outlined in subsection (f), must contain the applicant's name and full social security number.

k) Group D documents, as outlined in subsection (f), must contain the applicant's full residence address.

lj) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.

m) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (f), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (f).

n) An applicant for an identification card who is under the age of five years old must present one document from each of Group A, B and C, as outlined in subsection (f), and one document from Group D, as outlined in subsection (f).

ok) Unacceptable identification documents are:

Bond Receipt or Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards
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Commercially Produced (non-State or unofficial) ID Cards

Firearms Owner ID

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

Insurance and/or Bail Bond Cards

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Verification by family members other than father, mother or legal guardian

Verification by non-family members other than high school driver education instructor or Secretary of State personnel

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

(Source: Amended at 34 Ill. Reg. 9457, effective June 23, 2010)
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1) Heading of the Part: Enhanced Skills Driving Schools

2) Code Citation: 92 Ill. Adm. Code 1065

3) Section Numbers: Adopted Action:
   1065.10    New Section
   1065.15    New Section
   1065.20    New Section
   1065.25    New Section
   1065.30    New Section
   1065.35    New Section
   1065.40    New Section
   1065.45    New Section
   1065.50    New Section
   1065.55    New Section
   1065.60    New Section
   1065.65    New Section
   1065.70    New Section
   1065.75    New Section
   1065.80    New Section
   1065.85    New Section
   1065.90    New Section

4) Statutory Authority: 625 ILCS 5/Ch. 6 Art. X and 625 ILCS 5/2-104

5) Effective Date of Rulemaking: June 24, 2010

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 2680; February 19, 2010

10) Has JCAR issued a Statement of Objection to this rulemaking? No
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11) **Differences between proposal and final version:** SOS made 3 nonsubstantive technical corrections to the rulemaking after the 2nd Notice submission.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

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

14) **Are there any rulemakings pending on this Part?** No

15) **Summary and Purpose of Rulemaking:** This Part is established to set forth the regulations that will govern the licensing and operation of enhanced skills driving schools and their instructors, as authorized by Public Act 96-740.

16) **Information and questions regarding this adopted rulemaking shall be directed to:**

    Jennifer Egizii  
    Office of the Secretary of State   
    Driver Services Department   
    2701 South Dirksen Parkway  
    Springfield, Illinois 62723  
    217/557-4462

The full text of the Adopted Rules begins on the next page:
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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
SUBCHAPTER f: HIGHWAYS

PART 1065
ENHANCED SKILLS DRIVING SCHOOLS

Section 1065.10 Definitions
1065.15 Unlicensed Person May Not Operate Enhanced Skills Driving School
1065.20 Requirements for Enhanced Skills Driving School Licenses
1065.25 Enhanced Skills Driving School Names
1065.30 Refund of Application Fees
1065.35 School Locations and Facilities
1065.40 Enhanced Skills Driving School Student Instruction Record
1065.45 Enhanced Skills Driving School Required Curriculum and Course of Instruction
1065.50 Enhanced Skills Driving School Contracts
1065.55 Inspection of School Facilities
1065.60 Licenses
1065.65 Safety Inspection of Enhanced Skills Driving School Motor Vehicles
1065.70 Requirements to Obtain and Retain an Enhanced Skills Driving School Instructor's License
1065.75 Enhanced Skills Driving School Responsibility for Employees
1065.80 Denial, Cancellation, Suspension and Revocation of Enhanced Skills Driving School's License and Instructor's License
1065.85 Reinstatement after Cancellation or Suspension
1065.90 Hearings

AUTHORITY: Implementing Chapter 6, Art. X of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. X] and authorized by Section 6-1012 of the Illinois Vehicle Code [625 ILCS 5/6-1012].


Section 1065.10 Definitions

"Department" – the Commercial Driving Training School Division within the Department of Driver Services within the Office of the Secretary of State.
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"Enhanced Skills Driving School" or "ESDS" – a school for teaching advanced driving skills, such as emergency braking, crash avoidance and defensive driving techniques to licensed drivers for a fee. This term does not mean a school for preparing students for examinations given by the Secretary of State. (IVC Section 6-1001)

"Enhanced Skills Instruction" – techniques such as advanced driving skills, emergency braking, crash avoidance and defensive driving provided by an enhanced skills driving school.

"Fraudulent Activity" – any action calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of the truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

Section 1065.15 Unlicensed Person May Not Operate Enhanced Skills Driving School

a) No entity or individual that accepts payment in performing activities in the training of enhanced driving skills may operate, unless licensed as an ESDS by the Department in accordance with IVC Ch. 6, Art X.

b) Any entity or individual that is licensed as an ESDS must display its appropriate license in a visibly prominent place.

c) No person or group licensed as an ESDS, or any agent, servant or employee of any ESDS, shall give enhanced driving skills instruction unless licensed by the Department as an ESDS.

d) No ESDS shall operate before it is properly licensed by the Department as provided in IVC Section 6-1001.

e) No ESDS may remain in operation if its license to operate an ESDS is suspended, revoked, canceled or not renewed.

Section 1065.20 Requirements for Enhanced Skills Driving School Licenses
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a) The Department shall not issue, or shall deny, cancel, suspend or revoke, an ESDS license unless:

1) The applicant has at least one motor vehicle owned or leased in the name of the ESDS or school owner and insurance certified as required in IVC Section 6-1002(3) for use in enhanced driving skills instruction;

2) The applicant has at least one person who is employed by or associated with the school who is licensed or qualified to be licensed by the Department as an ESDS instructor for that school;

3) The physical facilities meet the requirements of this Part;

4) The applicant is of good moral character as required pursuant to IVC Section 6-1002(1). In making a determination of good moral character, the Department is not limited to, but may consider, the following:

   A) If the person has been convicted of a felony or a misdemeanor:

      i) The relationship of any crime of which the person has been convicted to the ability to operate an enhanced skills driving school; or

      ii) The length of time that has elapsed since the person's last criminal conviction;

      iii) Whether the applicant successfully completed any sentence imposed with the convictions;

      iv) Whether the applicant has multiple convictions for felony or misdemeanor offenses.

   B) If the person has been indicted, formally charged or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled if:

      i) the person is found "guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with Section 1065.85(b) shall stand. This
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action does not preclude further suspension and/or revocation of the ESDS license under another Section of this Part or the IVC;

ii) the person is found "not guilty" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the ESDS license under another Section of this Part or the IVC;

iii) the person is granted a disposition of "court supervision" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the ESDS license under another Section of this Part or the IVC; and

5) The applicant has paid all applicable statutory fees.

b) Only one ESDS license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any ESDS if any of the applicants are unqualified or are already licensed or have made application for another ESDS license.

c) The applicant shall not be a current salaried or contractual employee of the Secretary of State.

d) Upon receipt of a properly executed application for a an ESDS license, the Department shall investigate the qualifications of the applicant, and authorized representatives of the Department shall inspect the ESDS property and equipment to determine whether the application should be granted or denied.

e) The applicant must authorize an investigation to include a fingerprint-based background check to determine if the applicant has ever been convicted of a crime and, if so, the disposition of those convictions. The authorization shall indicate the scope of the inquiry and the agencies that may be contacted. Upon this authorization, the Secretary of State may request and receive information and assistance from any federal, State or local governmental agency as part of the
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authorized investigation. Each applicant shall have his or her fingerprints submitted to the Department of State Police in the form and manner prescribed by the Department of State Police. The fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record information databases. The applicant shall be required to pay all related fingerprint fees, including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. Any criminal convictions and disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required in this Part, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. The information obtained from the investigation may be maintained by the Secretary of State or any agency to which the information was transmitted.

f) An owner or manager shall not engage in fraudulent activity as defined in Section 1065.10.

g) An owner or employee of an ESDS shall not have been declared to have engaged in fraudulent activity within the five years prior to making application.

h) An owner shall not knowingly use unlicensed instructors for the purpose of enhanced driving skills instruction.

i) An owner shall submit a curriculum for courses and programs offered for review and approval by the Department.

j) Each ESDS must obtain and maintain a business telephone number and listing for use in conducting business.

Section 1065.25 Enhanced Skills Driving School Names

a) No ESDS shall adopt, use or conduct any business under a name that is not distinguishable upon the records of the Department from a name used by another ESDS as defined in 14 Ill. Adm. Code 150.440.

b) No licensed ESDS shall incorporate under its own or another name unless the name of the proposed corporation is submitted to the Department of Business
Services of the Office of the Secretary of State for a final determination of the availability of the name, along with the fee required by Section 15.10 of the Business Corporation Act of 1983 [805 ILCS 5/15.10].

c) No licensed ESDS' name shall contain, separate and apart from any other word or abbreviation in the name, the word "corporation", "company", "incorporated", or "limited", or an abbreviation of one of these words, unless so licensed by the Secretary of State.

d) No ESDS shall change its name unless 30 days prior written notice is given to the Department stating the change of name. Upon receipt of the above notice, the Department shall, without an application fee, require the ESDS to complete an amended application for license in the form and manner prescribed for original applicants.

Section 1065.30 Refund of Application Fees

The Department shall not refund any application fee that has been submitted by any person with an application for an ESDS or an ESDS instructor's license. This provision shall apply to all applicants regardless of whether a license has been issued or denied.

Section 1065.35 School Locations and Facilities

a) Each ESDS must maintain an established place of business that:

1) is owned or leased by the ESDS and regularly occupied and primarily used by the ESDS and that is not shared with any other ESDS;

2) is located in a district that is zoned for business or commercial purposes;

3) has a permanent sign with the name of the school on it;

4) includes an office facility, subject to the following conditions:

   A) is a minimum of 150 square feet of office space that must contain sufficient space, equipment, records and personnel to carry on the business of an ESDS;
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B) complies with all State and local laws relating to public health, safety and sanitation;

C) has a sign posted in a conspicuous place, on or near the permanent school sign, stating the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present;

D) is open to the general public during posted hours on file with the Department;

E) has direct access from the outside. Any business may be conducted in the same building providing the business being conducted is legal and the business has its own entrance;

F) displays the ESDS license, the names, addresses and instructor license numbers of all instructors employed by the school, and the address of each branch office and branch classroom.

b) An ESDS that has a licensed established place of business may operate a branch office provided all the requirements of the established place of business are met and the branch office bears the same name and is operated as a part of the same business entity as the established place of business.

1) Upon receipt by the Department of a written request to open a branch office, an authorized representative of the Department shall inspect the branch office and, if it complies with this Section, the Department shall issue the appropriate license, which must be displayed in a visibly prominent place in the branch facility.

2) When a branch office is to be closed, the enhanced skills driving school shall return the branch office license to the Department within 10 business days.

c) The established place of business or branch office of any ESDS shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, or room or rooms in a hotel, rooming house or apartment house; shall not be occupied as a single or multiple unit dwelling house; and shall not be an answering service.
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d) No office or place of business of an ESDS shall be established within 1,500 feet of any building used as an office by any department of the Secretary of State having to do with the administration of any laws relating to motor vehicles, nor may any ESDS, its owner or any instructor solicit or advertise for business within 1,500 feet of any building used as an office by any department of the Secretary of State having to do with the administration of any laws relating to motor vehicles.

e) The established place of business of each ESDS must include a training site for the behind-the-wheel instruction that must be:

1) owned or leased by the ESDS;

2) paved and have sufficient space to safely accommodate the training provided in the ESDS curriculum; and

3) on private property (not on an open roadway).

f) No ESDS shall change the location of its established place of business or any of its branch facilities unless 30 days prior written notice is given to the Department stating the change of location. Upon receipt of the change of location notice, the Department will determine if the new location meets all requirements and, without an application fee, require the ESDS to complete an amended application for license in the form and manner prescribed for original applicants.

Section 1065.40 Enhanced Skills Driving School Student Instruction Record

a) All ESDS licensed by the Department shall maintain a permanent record of instruction given to each student in accordance with IVC Section 6-1008. The record shall include the name of the student, the student's driver's license number, all fees paid to the school by the student, the type and date of instruction given and the name of the instructors who provided the instruction. If records of the driver training school are kept electronically, a hard copy must be retained for inspection purposes. All permanent student instruction records must be kept on file in the established place of business of each ESDS for a period of three calendar years after the student has ceased taking instruction at or with the school.
Section 1065.45 Enhanced Skills Driving School Required Curriculum and Course of Instruction

a) Every ESDS student must possess a current and valid driver's license during each behind-the-wheel lesson.

b) The curriculum submitted by the ESDS must indicate the specific techniques of instruction that will be offered.

Section 1065.50 Enhanced Skills Driving School Contracts

a) All contracts or agreements between any ESDS and any individual or group for the sale, purchase, barter or exchange of any driving instruction or any classroom instruction must be in writing and shall contain the following:

1) A statement indicating the agreed contract price per hour or lesson and the terms of payment;

2) A statement that the agreement constitutes the entire contract between the school and the student, and no verbal assurances or promises not contained in the agreement shall bind the school or the student;

3) A statement indicating the specific date and time when instruction is to begin, the hours of instruction and the location of the instruction;

4) The name and address of the school and the student or entity and the number and type of all licenses to operate a motor vehicle held by the student; and
SECRETARY OF STATE

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5) A statement indicating that the student has the right to file a complaint with the Secretary of State so that the Secretary may investigate and take appropriate action against the ESDS and/or instructor.

b) No ESDS may sell, transfer, assign, exchange, trade or otherwise dispose of any contract or part of a contract, agreement or obligation between any ESDS and any student, unless the ESDS has obtained the written consent of the student.

c) If any ESDS fails to comply with a material provision of a contract or agreement by or between the ESDS or any of its students, the ESDS shall refund all monies for any unperformed portion of the contract or agreement deposited by the student as consideration for performance of the contract or agreement by the school, unless the student violates a material provision of the contract or agreement.

Section 1065.55 Inspection of School Facilities

Each ESDS shall permit authorized representatives of the Department to make reasonable inspections of all of the school's facilities. During inspections, each owner, partner, associate, corporate director, officer, manager or employee of any ESDS shall cooperate with the authorized representative and, upon demand, shall exhibit all records, instructional aids and other objects that are pertinent and necessary to the inspection or investigation. If an ESDS' established business hours include only Saturday and Sunday and/or evening hours, the school, upon request from the Department, shall make necessary personnel available and shall allow the Department to make an inspection during the hours of 7:00 a.m. through 5:00 p.m., Monday through Friday.

Section 1065.60 Licenses

a) No individual, partnership, group, association or corporation may sell, assign, barter or trade any ESDS license or ESDS instructor license issued by the Department. No license issued under the IVC to any person to operate an ESDS or to an instructor shall be transferable.

b) When any licensed ESDS ceases to engage in the business of giving instruction for compensation or when, upon reasonable investigation, it appears that the school has ceased to do business, the owners, partners, associates, corporate directors, officers or managers of the enhanced skills driving school shall surrender their EDS license to the Department.
c) ESDS instructors must have their wallet instructor's license on their person during all behind-the-wheel instruction.

Section 1065.65 Safety Inspection of Enhanced Skills Driving School Motor Vehicles

a) No motor vehicle shall be used for enhanced skills training unless:

1) it is owned or leased in the name of the ESDS licensed by the Department or school owner indicated on the license and a lease agreement is submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year and vehicle identification number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;

2) it is in safe operating condition that includes, but is not limited to, operating and undamaged doors, mirrors, windshield, exhaust system, headlights, turn signals, seat belts, brakes and tires;

3) it is listed in the driver training school license application and insurance certificate on file with the Department.

b) The Department shall not issue an insurance certificate sticker until the school has provided to the Department a vehicle fleet schedule listing the vehicles used by the school that is signed by an authorized representative of the school and an insurance certificate form provided by the Department.

c) The insurance certificate sticker shall be issued by the Department and shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for ESDS instruction or ESDS purposes by the ESDS identified on the sticker.

Section 1065.70 Requirements to Obtain and Retain an Enhanced Skills Driving School Instructor's License

a) The Department shall not issue, or shall deny, cancel, suspend or revoke, an ESDS instructor's license:

1) To any person who:
SECRETARY OF STATE

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A) does not have a current, valid driver's license;

B) has not held a valid driver's license for any two year period preceding the date of application for an instructor's license;

C) intends to instruct in L and/or M classification, as defined in 92 Ill. Adm. Code 1030.30(e) and (f);

D) has not held the representative classification for three consecutive years immediately prior to the date of application;

E) has been convicted of three or more offenses against traffic regulations governing the movement of traffic within the two year period immediately preceding the date of application for an instructor's license;

F) has had two or more convictions of a violation that caused an auto accident within the two year period immediately preceding the date of application for an instructor's license;

G) is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle;

H) fails to properly and fully complete an application for a license or otherwise indicates that he/she is unqualified to receive an enhanced driving skills instructor's license;

I) is not employed or associated with an ESDS;

J) is currently a salaried or contractual employee of the Secretary of State;

K) fails to supply a complete set of fingerprints to the Department so that a background check may be completed;

L) is not at least 21 years of age;
SECRETARY OF STATE

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M) is not of good moral character as required pursuant to IVC Section 6-1004(1). In making a determination of good moral character, the Department is not limited to, but may consider, the following:

i) If the person has been convicted of a felony or a misdemeanor, the relationship of any crime of which the applicant has been convicted to the ability to operate a driver training school and the length of time that has elapsed since the applicant's last criminal conviction;

ii) If the person has been indicted, formally charged or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled if:

• the person whose ESDS instructor licenses has been denied or cancelled under this Part is found "guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with Section 1065.85(b) shall stand. This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;

• the person is found "not guilty" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065.85(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;

• the person is granted a disposition of "court supervision" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065.85(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;
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N) holds a driver's license that has had a revocation that has terminated within 10 years prior to the date of application;

O) has ever been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof, leaving the scene of an accident, reckless homicide, or reckless driving.

b) If an applicant indicates that he/she has been convicted of a felony or misdemeanor, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.

c) No ESDS instructor shall provide behind-the-wheel instruction in a vehicle that is classified higher than the classification of the instructor's driver's license. An instructor may hold two classifications, one classification from Classes A, B, C and D and one classification from Classes L and M, as defined in 92 Ill. Adm. Code 1030.30(e) and (f). An instructor holding a Class A commercial driver's license may teach enhanced driving skills in Classes A, B, C and D vehicles. An instructor holding a Class B commercial driver's license may teach enhanced driving skills in Classes B, C and D vehicles. An instructor holding a Class C commercial driver's license may teach enhanced driving skills in Classes C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students enhanced driving skills in Classes L and M vehicles.

d) All instructors who have ceased to be employed or associated with the school designated on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after the cessation.

e) An instructor shall not engage in fraudulent activity as defined in Section 1065.10.

f) During the course of instruction, an instructor shall not engage in any non-school related activity that puts the student in danger.
g) A licensed ESDS instructor who holds a license from a state other than Illinois must provide the Department with a copy of his/her current driving record with the original application and every six months subsequent to licensure.

Section 1065.75 Enhanced Skills Driving School Responsibility for Employees

a) No ESDS shall employ or otherwise retain any individual to give instruction unless the individual has a valid, current ESDS instructor's license for that school issued by the Department and meets the qualifications provided in Section 1065.70.

b) All acts by any individual employed by or associated with any ESDS and all acts performed by an instructor shall be presumed acts within the scope of employment unless the school can provide competent evidence to the contrary.

c) If a licensed instructor is temporarily suspended, laid off or discharged by an ESDS, the school shall immediately notify the Department, on forms furnished by the Department, containing the name, address and license number of the instructor, termination date, and the reason for the termination. In all cases in which an employee ceased working for the ESDS, whether it be a temporary layoff or any other termination of his/her association with the school, the instructor must surrender his/her license to the Department.

Section 1065.80 Denial, Cancellation, Suspension and Revocation of Enhanced Skills Driving School's License and Instructor's License

a) The Department may deny, suspend or revoke an ESDS license, or ESDS instructor license for any:

1) violation of IVC Ch. 6, Art. X;

2) violation of this Part.

b) The Department may cancel an ESDS license for any:

1) violation of IVC Sections 6-1001 and 6-1002;

2) violation of this Part.
c) The Department may cancel an ESDS instructor license for any:

1) violation of IVC Section 6-1004;
2) violation of this Part.

Section 1065.85 Reinstatement after Cancellation or Suspension

a) An ESDS that desires to have a license reinstated following suspension shall reapply and pay the application fee of $500 as required by IVC Section 6-1002(5).

b) An ESDS instructor who desires to have a license reinstated following suspension shall reapply and pay $70 as required by IVC Section 6-1004(5).

c) An ESDS that desires to have a license reinstated after cancellation shall reapply for a license, pay the required application fee of $500 as required by IVC Section 6-1002(5), and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g., proof of insurance).

d) An ESDS instructor that desires to have a license reinstated after cancellation shall reapply for a license; pay the required fee of $70 as required by IVC Section 6-1004(5); and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g., proof of insurance).

Section 1065.90 Hearings

a) The Department will send written notice of denial to an applicant for a license to operate an ESDS or to be an ESDS instructor. A formal hearing may be requested in writing in accordance with 92 Ill. Adm. Code 1001, Subpart A and IVC Section 2-118. A request for hearing shall not stay the denial.

b) Prior to the suspension or revocation of the license of an ESDS or ESDS instructor, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and IVC Section 2-118. In the hearing, the Department will present competent evidence to establish violations of any regulations or laws governing ESDS and/or ESDS instructors and seek the appropriate sanctions in accordance with Section 1065.85.
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NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part**: Health/Life Safety Code for Public Schools

2) **Code Citation**: 23 Ill. Adm. Code 180

3) **Section Numbers**: 
   - 180.500 Amendment
   - 180.530 Amendment

4) **Statutory Authority**: 105 ILCS 5/2-3.12, 2-3.25, 2-3.137, and 17-2.11

5) **Effective Date of Rulemaking**: June 24, 2010

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: January 29, 2010; 34 Ill. Reg. 1527

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version**: None

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were requested by JCAR, and no agreement letter was issued.

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

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

15) **Summary and Purpose of Rulemaking**: Section 180.530 of rulemaking governing Health/Life Safety Code for Public Schools sets forth the process for accessing fire prevention and safety funds authorized under Section 17-2.11 of the School Code for use in emergency situations. The rulemaking defines emergency for this purpose and requires that a school district seek authorization for the use of the funds for the
emergency from its regional office of education, as well as the State Superintendent of Education.

P.A. 96-252, effective August 11, 2009, amended Section 17-2.11 of the School Code to codify in statute the definition of an "emergency" that has been used in the rules. The law also sets forth two separate procedures for school districts' use of fire prevention and safety funds for emergency purposes, allowing those districts with repairs under the $50,000 threshold set forth in Section 10-20.21 of the School Code to proceed without prior authorization. Although the district would be allowed to begin the work, it still must meet the requirements of Section 17-2.11 of the School Code regarding authorization of the work by the district's regional office of education and State Superintendent, as well as any applicable contracting provisions set forth in Section 10-20.21 of the School Code.

The law also directs the agency to prescribe by rule the process to be used by districts when the cost of the work exceeds $50,000 and provides that emergency situations "be expedited and given priority consideration". As noted above, the process is set forth in Section 180.530, so no further rulemaking was needed in this regard. To ensure timely consideration of districts' requests for authorization for emergency work, deadlines for both regional offices of education and the agency are stated in Section 180.530(b)(3) and (4).

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

Debbie Vespa, Division Administrator
School Business Services
Illinois State Board of Education
100 North First Street, N-330
Springfield, Illinois  62777-0001

217/785-8779

The full text of the Adopted Amendments begins on the next page:
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180
HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

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180.20 Severability
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180.50 Responsibilities of Regional Superintendent
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180.230 Certificate of Occupancy
180.240 Demolition or Movement of Buildings or Other Structures
180.250 Sprinkler Systems
180.260 Sprinkler System Requirements and Applicability (Repealed)
180.270 Standards for Sprinkler Systems (Repealed)
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180.280 Standards for Sprinkler System Plans and Specifications (Repealed)

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180.340 Local Board Action and Approval of Safety Survey Reports

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SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section
180.500 Request for Authorization
180.510 Initiation of Work (Repealed)
180.520 Accounting for Fire Prevention and Safety Funds (Repealed)
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SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.500 Request for Authorization
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a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, using a format prescribed by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:

1) a Schedule of Violations, including a brief description of each violation and the recommended correction; and

2) a Schedule of Recommended Work Items and Estimated Costs.

b) Fire prevention and safety financing shall only be approved if:

1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and

2) the district does not have sufficient unrestricted funds in its operations and maintenance fund (Section 17-2 of the School Code [105 ILCS 5/17-2]), its school facility occupation tax fund (Section 10-20.4310-20.40 of the School Code [105 ILCS 5/10-20.4310-20.40], as added by P.A. 95-675), and/or its fire prevention and safety fund (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11]) to pay for the necessary work.

c) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.

d) A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review.

e) Except under emergency circumstances as provided for in Section 180.530 of this Part, a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent. (Section 17-2.11 of the School
STATE BOARD OF EDUCATION

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Code [105 ILCS 5/17-2.11]

f) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.

g) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

(Source: Amended at 34 Ill. Reg. 9515, effective June 24, 2010)

Section 180.530 Emergencies

For purposes of this Section, an emergency is a situation that presents an imminent and continuing threat to the health and safety of students or other occupants of a facility, requires complete or partial evacuation of a building or part of a building, or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements. [105 ILCS 5/17-2.11]

a) If the estimated cost of the emergency is less than the amount stated in clause (xi) of Section 10-20.21(a) of the School Code [105 ILCS 5/10-20.21(a)], the school district may begin the work before receiving authorization from the State Board of Education in accordance with the procedures set forth in Section 17-2.11 of the School Code and Section 180.500 of this Part. An emergency is a situation which presents an imminent and continuing threat to the health and safety of students or other occupants of a facility; requires complete or partial evacuation of a building or part of a building; or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements.

b) If it is determined that fire prevention and safety financing will be required to address an emergency whose projected cost exceeds the amount specified in clause (xi) of Section 10-20.21(a) of the School Code, then the district superintendent or other authorized person shall notify the regional superintendent and the State Superintendent of Education or designee of the nature of the emergency and the steps to be taken. The regional superintendent and the State
STATE BOARD OF EDUCATION

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Superintendent or designee shall give preliminary authorization to proceed and provide any special instructions that may be pertinent. Formal confirmation of this authorization is required and shall be pursued as outlined in subsections (b)(1) through (4) below.

1) The board of education, either at a regular meeting or at a special meeting called for that purpose, shall adopt a resolution declaring:

   A) The existence of an emergency;
   B) Whether or not funds needed to address the emergency are available;
   C) Whether the work must be bid or the board desires to exempt itself from the bidding requirements on the basis of the emergency determined in accordance with clause (xiv) of Section 10-20.21(a) of the School Code;
   D) What interim measures are contemplated to sustain operations;
   E) The number of members of the board and the numbers voting in favor of and against the motion to adopt the resolution.

2) Two copies of the board's resolution shall be dated and signed by the president and secretary of the board and the district superintendent and submitted in person, by fax, or by mail as soon as possible to the regional superintendent and State Board.

3) No later than 30 calendar days after receipt of the resolution, the regional superintendent or designee shall review the facts, call for any additional information if necessary, and, when satisfied that the situation constitutes an emergency, notify the State Superintendent or designee of his or her approval of the request.

4) No later than 10 business days after receiving notification of approval from the regional superintendent, the State Superintendent or designee shall prepare a Certificate of Authorization for Emergency Procedures. The Certificate of Authorization for Emergency Procedures shall authorize
the district to initiate work to be financed with fire prevention and safety funds or funds loaned to the Fire Prevention and Safety Fund prior to the formal approval of such work through the normal process. However, said Certificate may be granted only on the conditions that:

A) Proper application for use of fire prevention and safety funds (see Section 180.500 or 180.530) will be initiated and prosecuted in a timely manner by the district;

B) The work undertaken shall in all respects conform to the requirements of this Part and such other standards as may be applicable to the situation; and

C) Final approval of the use of fire prevention and safety funds will be predicated on the finding that the facts enunciated in the board resolution are or were substantially true.

(Source: Amended at 34 Ill. Reg. 9515, effective June 24, 2010)
STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Universities Retirement

2) **Code Citation:** 80 Ill. Adm. Code 1600

3) **Section Number:** 1600.320 **Adopted Action:** Amendment

4) **Statutory Authority:** 40 ILCS 5/15-177

5) **Effective Date of Amendment:** June 25, 2010

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register:** February 16, 2010; 34 Ill. Reg. 2441

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version:** None

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were made.

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

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendment:** An amendment revising the disability claims review process by clarifying the necessary criteria for the award of disability benefits, establishing the role of the medical claims processor, and establishing procedures for the ongoing investigation of disability claims.

16) **Information and questions regarding this adopted amendment shall be directed to:**
STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

Bryan M. Perrero, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL  61820

217/378-7516 or 217/378-8838

The full text of the Adopted Amendment begins on the next page:
STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

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1600.625 Benefits Affected by a QILDRO
1600.630 Effect of a Valid QILDRO
1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.640 Alternate Payee's Address
1600.645 Electing Form of Payment
1600.650 Automatic Annual Increases
1600.655 Expiration of a QILDRO
1600.660 Reciprocal Systems QILDRO Policy Statement
1600.665 Providing Benefit Information for Divorce Purposes

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].
SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section 1600.320 Procedures to be Followed in Medical Evaluation of Disability Claims Procedure

a) Pursuant to Section 15-150 of the Code, provides that a participant may be granted a disability benefit if, while a participating employee, he or she becomes physically or mentally incapacitated and unable to perform the duties of his or her assigned position for any period exceeding 60 consecutive calendar days and the employee had completed 2 years of service at the time of disability, unless the disability is a result of an accident. An employee shall be considered disabled only during the period for which the Board determines, based upon the evidence listed in this Section, that the employee is has received a written certificate by at least 2 licensed and practicing physicians appointed by the Board stating that the participant is disabled and unable to reasonably perform the duties of his or her assigned position as a result of a physical or mental disability and a written certificate by the employer that the participant is unable to perform the duties of
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his or her assigned position. This determination shall be based upon:

1) a written certificate from one or more licensed and practicing physicians appointed by or acceptable to the Board, stating that the employee is disabled and unable to reasonably perform the duties of his or her assigned position;

2) a written certificate from the employer stating that the employee is unable to perform the duties of his or her assigned position; and

3) any other medical examinations, hospital records, laboratory results, or other information necessary for determining the employment capacity and condition of the employee.

b) Application Filing Requirements

1) An application for disability benefits must include the certifications described in subsections (a)(1) and (a)(2), and supporting documentation described in subsection (a)(3), all as explained in more detail in this Section, for each disabling condition and for the entire period of disability.

2) The application must be filed within one calendar year after the date on which the disability occurred.

b) The Code authorizes the Board to employ medical services as shall be required for the efficient administration of SURS.

e) Appointment of Medical Director. The Board has appointed a Medical Director whose responsibility is to review the medical reports received from the examining physicians, and to advise the Board as to whether the medical requirements of the Code have been met.

cd) Certification By Physicians. For purposes of subsection (a)(1), the following shall apply: Appointment of Examining Physicians

1) Physicians acceptable to the Board are attending physicians, physicians designated by the participant and physicians to whom the participant was referred by the attending or designated physician. Physicians appointed by SURS staff to examine the participant are deemed to be physicians.
appointed by the Board. The physician must be licensed to practice and be currently practicing in the field of expertise related to the underlying physical or mental condition for which disability benefits are sought.

2) The certification must be signed by a physician described in subsection (c)(1) or an authorized representative of the physician and must state the following:

A) the medical diagnosis of the physical or mental condition;
B) the prognosis of the physical or mental condition;
C) the physical or mental limitations to which the participant should adhere; and
D) that the participant is disabled and is unable to reasonably perform the duties of his or her assigned position as a result of the physical or mental disability.

3) The certification must be accompanied by a report containing the following:

A) the date of examination;
B) the medical history of the participant;
C) the results of any diagnostic tests used;
D) the diagnosis of the physical or mental condition;
E) the plan of treatment for the physical or mental condition and prognosis in response to the treatment plan;
F) an evaluation of the physical or mental condition as it bears upon the participant's ability to reasonably perform the duties of his or her assigned position; and
G) any existing documentation of objective medically demonstrable anatomical, physiological or psychological abnormalities
manifested as test results or laboratory findings apart from self-reported symptoms.

d) Certification by Employers. For purposes of subsection (a)(2), the certification must be signed by an officer authorized by the employer and must state the following:

1) the physical or mental performance requirements for the reasonable performance of the participant's assigned position;

2) whether the participant is able to satisfy each physical or mental performance requirement for the reasonable performance of his or her assigned position to the best of the employer's knowledge or belief and the reason for that knowledge or belief; and

3) whether the participant is able to reasonably perform the duties of his or her assigned position based on the provisions of subsections (d)(1) and (d)(2).

1) Unless otherwise authorized by the Executive Committee or the Board on recommendation of the Medical Director, the following shall be the examining physicians:

A) The attending physician or physicians designated by the participant; and

B) The health officer of the employer or some other physician who is designated by the employer.

2) If the participant has not been examined by the employer's health officer or by some other physician who is designated by the employer, the Medical Director shall appoint some other physician to conduct the examination and to submit a recommendation regarding the disability of the participant.

3) If, in the opinion of the Medical Director, the nature of the disability or other circumstances justify the appointment of someone other than the participant's attending physician or employer's health officer as the examining physicians, the Medical Director shall appoint a special
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examining physician or physicians.

e) Determination of Disability. If the examining physicians certify that the participant establishes, by a preponderance of the evidence, that he or she is physically or mentally disabled and unable to perform the duties of his or her assigned position as a result of the disability, the participant shall be determined eligible for disability benefits under Section 15-150 of the Code.

1) SURS staff shall determine whether certifications made under subsections (a)(1) and (a)(2) and supporting documentation described in subsection (a)(3) establish eligibility for disability benefits.

2) At the discretion of SURS staff, the participant may be required to submit to additional examinations by staff appointed physicians or specialists to aid in the determination process.

3) Physical or mental conditions resulting from self-inflicted injuries, substance abuse, or any act for which the participant was convicted of a misdemeanor or felony are not the result of an accident for purposes of Section 15-150 of the Code.

f) Disagreement among Examining Physicians. If the examining physicians are not in agreement as to whether the participant is disabled, the Medical Director shall appoint some other licensed and practicing physician to conduct a special medical examination and submit a recommendation as to whether the participant is able to perform the duties of his or her assigned position. If the special examining physician agrees that the participant is disabled, the Medical Director shall recommend that the claim be approved.

g) Certification of Disability by the Employer. The Code provides that a participant may qualify for disability benefits only if the employer certifies that the participant is unable to perform the duties of his or her assigned position. This certification shall be completed by any officer authorized by the employer to make this certification. The certification of the employer may be based upon a medical examination given by the employer's health officer or upon medical reports submitted to the health officer by other examining physicians.

fh) Subsequent Re-examination of Disabled Participants
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1) SURT staff shall be the responsibility of the Medical Director to secure from one or more examining physicians, periodically, re-evaluation reports concerning the continued disability of the participant. The date of re-evaluation of the participant's ability to perform his or her duties shall be determined by SURT staffthe Medical Director on the basis of the medical reports received previously, the nature of the disability, and other relevant information.

2) In the re-evaluation of disability claims, the examining physician shall be the attending physician or the designated physician by the participant, but, if, in the opinion of the Medical Director, the nature of the disability or other circumstances justify the appointment of someone other than the participant's attending physician as the examining physician, SURT staffthe Medical Director shall make the appointment. The certification of disability by the employer may be based upon the medical reports received from the employer's health officer or other physicians. All other procedures that may be applicable in processing the initial claim for disability benefits shall be followed in re-evaluation of the claim.

g) Release of Medical Information. The participant may be required to authorize the release of all medical or other information related to the disability claim, including but not limited to medical reports, hospital records, Department of Employment Security earnings statements, income tax records, unemployment records, and any record deemed necessary to the administration of the disability claim. The failure of the participant to submit to a re-evaluation examination or a treatment plan, to produce records, or to approve release of information required may result in the suspension of disability benefit payments.

i) Amendment or Repeal of Medical Evaluation Regulations. This Section is issued by the Board in accordance with the provisions of the Code. The right is reserved to rescind or amend this Section in whole or in part at anytime. However, no rescission or amendment shall be effective until the rescission or amendment has been filed with the Secretary of State. Amendment or repeal will be made in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 34 Ill. Reg. 9523, effective June 25, 2010)
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1) **Heading of the Part:** Public Schools Evaluation, Recognition and Supervision

2) **Code Citation:** 23 Ill. Adm. Code 1

3) **Section Number:** Emergency Action
   1.APPENDIX D Amendment

4) **Statutory Authority:** 105 ILCS 5/2-3.6

5) **Effective Date of Rules:** June 24, 2010

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will be in force until replaced by regular rulemaking or until the end of the 150-day period, whichever occurs sooner.

7) **Date Filed with the Index Department:** June 24, 2010

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Reason for Emergency:** The common core standards are being presented as emergency amendments, since the public interest is best served by Illinois’ securing funding under the federal RTTT competitive grant program. Illinois is requesting $400 million for various school improvement and reform efforts, with a particular emphasis on the State’s lowest performing districts and schools. Under RTTT, states that adopt the common core standards by August 2 will receive additional points in the proposal evaluation process. The ordinary rulemaking process requires a 45-day public comment period, which will prevent the State Board of Education from promulgating the standards by the RTTT deadline. Thus, it is critical that this rule be in effect as soon as possible in order to strengthen Illinois' application for funding under the RTTT initiative.

The agency will use a portion of the funding from the RTTT grant in the next two years to assist school districts, particularly persistently low-achieving districts, to:

- align curriculum to the Common Core State Standards;
- implement interim and formative assessments that measure student progress against common core expectations; and
• ensure their Response to Intervention (RtI) plans are aligned to the revised learning standards.

Curriculum alignment activities will include the development of learning targets and "pacing" to connect the common core standards to classroom instruction in each grade level; unit planning that aligns instructional plans to learning benchmarks; and the provision of training to teachers so that they can align the revised standards to instruction.

10) A Complete Description of the Subjects and Issues Involved: The State Board of Education adopted the Illinois Learning Standards (ILS) in 1997. In the last several years, the agency and others recognized that the ILS no longer adequately addressed the knowledge and skills that students must have in order to be successful in college and their careers. In response, the agency in October 2008, through the American Diploma Project (ADP), began an external and internal review of the ILS for English Language Arts and Mathematics. As this work was under way, Illinois joined the Common Core State Standards Initiative, a project led by the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO) in partnership with Achieve, ACT, and the College Board. The initiative’s charge was the development of internationally benchmarked standards in English language arts and mathematics.

The common core initiative involves 48 states, two territories, and the District of Columbia. Representatives from participating states, a wide range of educators, content experts, researchers, national organizations, and community groups worked with CCSSO and the NGA Center to develop the standards. In Illinois, the core content teams initially formed to examine the ILS worked with representatives of institutions of higher education to review and revise the draft of the common core standards and discuss their relevance to college and career readiness. Through this work, Illinois educators have had the opportunity to offer input into the draft standards and gain a better understanding of the knowledge and skills necessary for students to be "college and career ready".

With its participation in the Common Core State Standards Initiative, Illinois made a commitment to adopt the common core standards to serve as at least 85 percent of the State’s standards for English language arts and mathematics. To fulfill this commitment, staff propose that the current State goals and standards for these learning areas, as set forth in Appendix D to Part 1, be replaced with the common core standards by incorporating them by reference into the rules.

The common core will provide standards in kindergarten through grade 12 that are: Fewer, clearer and higher, to best drive executive policy and practice;
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Aligned with college and work expectations, so that all students are prepared for success upon graduating from high school;
Inclusive of rigorous content and application of knowledge through higher-order skills so that all students are prepared for the 21st century;
Benchmarked to international standards so that all students are prepared for succeeding in a global economy and society; and
Research- and evidenced-based.

The participants in the common core initiative developed the standards using the following criteria:
Alignment with expectations for college and career success;
Clear so that educators and parents know what they need to do to help students learn;
Consistent across all states so that students are not taught to a lower standard due to where they live;
Inclusive of both content and the application of knowledge through higher-order skills;
Built upon strengths and lessons of current state standards and standards of top-performing nations;
Realistic for effective use in the classroom;
Informed by other top-performing countries so that all students are prepared to succeed in a global economy and society;
Evidence- and research–based.

The common core standards for English language arts and math also include information on their application for English language learners and students with disabilities. Additionally, it is anticipated that these standards will provide opportunities for State Board staff to share experiences and best practices within Illinois and across other participating states that can lead to an improved ability for them to best serve these populations of students.

11) Are there any proposed amendments to this Part pending?  Yes

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12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

13) Information and questions regarding this rulemaking shall be directed to:

    Susie Morrison, Deputy Superintendent and Chief of Staff
    Illinois State Board of Education
    100 North First Street, S-405
    Springfield, Illinois  62777

    217/524-9651

The full text of the Emergency Amendments begins on the next page:
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NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
1.50 Calculation of Participation Rate
1.60 Subgroups of Students; Inclusion of Relevant Scores
1.70 Additional Indicators for Adequate Yearly Progress
1.75 Student Information System
1.77 Educator Certification System
1.80 Academic Early Warning and Watch Status
1.85 School and District Improvement Plans; Restructuring Plans
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III
1.90 System of Rewards and Recognition – The Illinois Honor Roll
1.95 Appeals Procedure
1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Powers and Duties (Repealed)
1.220 Duties of Superintendent (Repealed)
1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students
1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
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1.270  Book and Material Selection (Repealed)
1.280  Discipline
1.285  Requirements for the Use of Isolated Time Out and Physical Restraint
1.290  Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310  Administrative Qualifications and Responsibilities
1.320  Evaluation of Certified Staff in Contractual Continued Service
1.330  Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410  Determination of the Instructional Program
1.420  Basic Standards
1.430  Additional Criteria for Elementary Schools
1.440  Additional Criteria for High Schools
1.445  Required Course Substitute
1.450  Special Programs (Repealed)
1.460  Credit Earned Through Proficiency Examinations
1.462  Uniform Annual Consumer Education Proficiency Test
1.465  Ethnic School Foreign Language Credit and Program Approval
1.470  Adult and Continuing Education
1.480  Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
1.510  Transportation
1.515  Training of School Bus Driver Instructors
1.520  School Food Services (Repealed)
1.530  Health Services
1.540  Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section
1.610  Personnel Required to be Qualified
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1.620 Accreditation of Staff (Repealed)
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Requirements for Supervisory and Administrative Staff
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for Pupil Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Grades K-12
1.782 Requirements for Teachers of English as a Second Language in Grades K-12
1.790 Substitute Teacher

1.APPENDIX A Professional Staff Certification
1.APPENDIX B Certification Quick Reference Chart (Repealed)
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
APPENDIX G  Criteria for Determination – State Assessment (Repealed)


The State Goals for Learning are broad statements of what students should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The state assessment is designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

ENGLISH LANGUAGE ARTS AND LITERACY IN HISTORY/SOCIAL STUDIES, SCIENCE, AND TECHNICAL SUBJECTS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects" (2010) published by the Common Core State Standards Initiative and posted at http://www.corestandards.org/the-standards/english-language-arts-standards. No later amendments to or editions of these standards are incorporated by this Section.

State Goal 1: Read with understanding and fluency.

Standards:

Apply word analysis and vocabulary skills to comprehend selections.

Apply reading strategies to improve understanding and fluency.

Comprehend a broad range of reading materials.

State Goal 2: Read and understand literature representative of various societies, eras and ideas.

Standards:

Understand how literary elements and techniques are used to convey meaning.

Read and interpret a variety of literary works.

State Goal 3: Write to communicate for a variety of purposes.
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Standards:

Use correct grammar, spelling, punctuation, capitalization and structure.

Compose well-organized and coherent writing for specific purposes and audiences.

Communicate ideas in writing to accomplish a variety of purposes.

State Goal 4: Listen and speak effectively in a variety of situations.

Standards:

Listen effectively in formal and informal situations.

Speak effectively using language appropriate to the situation and audience.

State Goal 5: Use the language arts to acquire, assess and communicate information.

Standards:

Locate, organize, and use information from various sources to answer questions, solve problems and communicate ideas.

Analyze and evaluate information acquired from various sources.

Apply acquired information, concepts and ideas to communicate in a variety of formats.

MATHEMATICS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for Mathematics" (2010) published by the Common Core State Standards Initiative and posted at http://www.corestandards.org/the-standards/mathematics. No later amendments to or editions of these standards are incorporated by this Section.

State Goal 6: Demonstrate and apply a knowledge and sense of numbers, including numeration and operations (addition, subtraction, multiplication, division), patterns, ratios and proportions.
Standards:

Demonstrate knowledge and use of numbers and their representations in a broad range of theoretical and practical settings.

Investigate, represent and solve problems using number facts, operations (addition, subtraction, multiplication, division) and their properties, algorithms and relationships.

Compute and estimate using mental mathematics, paper-and-pencil methods, calculators and computers.

Solve problems using comparison of quantities, ratios, proportions and percents.

State Goal 7: Estimate, make and use measurements of objects, quantities and relationships and determine acceptable levels of accuracy.

Standards:

Measure and compare quantities using appropriate units, instruments and methods.

Estimate measurements and determine acceptable levels of accuracy.

Select and use appropriate technology, instruments and formulas to solve problems, interpret results and communicate findings.

State Goal 8: Use algebraic and analytical methods to identify and describe patterns and relationships in data, solve problems and predict results.

Standards:

Describe numerical relationships using variables and patterns.

Interpret and describe numerical relationships using tables, graphs and symbols.

Solve problems using systems of numbers and their properties.
Use algebraic concepts and procedures to represent and solve problems.

State Goal 9: Use geometric methods to analyze, categorize and draw conclusions about points, lines, planes and space.

Standards:

Demonstrate and apply geometric concepts involving points, lines, planes and space.

Identify, describe, classify and compare relationships using points, lines, planes and solids.

Construct convincing arguments and proofs to solve problems.

Use trigonometric ratios and circular functions to solve problems.

State Goal 10: Collect, organize and analyze data using statistical methods; predict results; and interpret uncertainty using concepts of probability.

Standards:

Organize, describe and make predictions from existing data.

Formulate questions, design data collection methods, gather and analyze data and communicate findings.

Determine, describe and apply the probabilities of events.

SCIENCE

State Goal 11: Understand the processes of scientific inquiry and technological design to investigate questions, conduct experiments and solve problems.

Standards:

Know and apply the concepts, principles and processes of scientific inquiry.

Know and apply the concepts, principles and processes of technological
State Goal 12: Understand the fundamental concepts, principles and interconnections of the life, physical and earth/space sciences.

Standards:

- Know and apply concepts that explain how living things function, adapt and change.
- Know and apply concepts that describe how living things interact with each other and with their environment.
- Know and apply concepts that describe properties of matter and energy and the interactions between them.
- Know and apply concepts that describe force and motion and the principles that explain them.
- Know and apply concepts that describe the features and processes of the Earth and its resources.
- Know and apply concepts that explain the composition and structure of the universe and Earth's place in it.

State Goal 13: Understand the relationships among science, technology and society in historical and contemporary contexts.

Standards:

- Know and apply the accepted practices of science.
- Know and apply concepts that describe the interaction between science, technology and society.

SOCIAL SCIENCE

State Goal 14: Understand political systems, with an emphasis on the United States.

Standards:
Understand and explain basic principles of the United States government.

Understand the structures and functions of the political systems of Illinois, the United States and other nations.

Understand election processes and responsibilities of citizens.

Understand the roles and influences of individuals and interest groups in the political systems of Illinois, the United States and other nations.

Understand United States foreign policy as it relates to other nations and international issues.

Understand the development of United States political ideas and traditions.

**State Goal 15: Understand economic systems, with an emphasis on the United States.**

**Standards:**

Understand how different economic systems operate in the exchange, production, distribution and consumption of goods and services.

Understand that scarcity necessitates choices by consumers.

Understand that scarcity necessitates choices by producers.

Understand trade as an exchange of goods or services.

Understand the impact of government policies and decisions on production and consumption in the economy.

**State Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.**

**Standards:**

Apply the skills of historical analysis and interpretation.

Understand the development of significant political events.
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Understand the development of economic systems.

Understand Illinois, United States and world social history.

Understand Illinois, United States and world environmental history.

State Goal 17: Understand world geography and the effects of geography on society, with an emphasis on the United States.

Standards:

Locate, describe and explain places, regions and features on the Earth.

Analyze and explain characteristics and interactions of the Earth's physical systems.

Understand relationships between geographic factors and society.

Understand the historical significance of geography.

State Goal 18: Understand social systems, with an emphasis on the United States.

Standards:

Compare characteristics of culture as reflected in language, literature, the arts, traditions and institutions.

Understand the roles and interactions of individuals and groups in society.

Understand how social systems form and develop over time.

PHYSICAL DEVELOPMENT AND HEALTH

State Goal 19: Acquire movement skills and understand concepts needed to engage in health-enhancing physical activity.

Standards:

Demonstrate physical competency in individual and team sports, creative
movement and leisure and work-related activities.

Analyze various movement concepts and applications.

Demonstrate knowledge of rules, safety and strategies during physical activity.

State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.

Standards:

Know and apply the principles and components of health-related fitness.

Assess individual fitness levels.

Set goals based on fitness data and develop, implement and monitor an individual fitness improvement plan.

State Goal 21: Develop team-building skills by working with others through physical activity.

Standards:

Demonstrate individual responsibility during group physical activities.

Demonstrate cooperative skills during structured group physical activity.


Standards:

Explain the basic principles of health promotion, illness prevention and safety.

Describe and explain the factors that influence health among individuals, groups and communities.

Explain how the environment can affect health.
State Goal 23: Understand human body systems and factors that influence growth and development.

Standards:

- Describe and explain the structure and functions of the human body systems and how they interrelate.
- Explain the effects of health-related actions on the body systems.
- Describe factors that affect growth and development.

State Goal 24: Promote and enhance health and well-being through the use of effective communication and decision-making skills.

Standards:

- Demonstrate procedures for communicating in positive ways, resolving differences and preventing conflict.
- Apply decision-making skills related to the protection and promotion of individual health.
- Demonstrate skills essential to enhancing health and avoiding dangerous situations.

FINE ARTS

State Goal 25: Know the language of the arts.

Standards:

- Understand the sensory elements, organizational principles and expressive qualities of the arts.
- Understand the similarities, distinctions and connections in and among the arts.

State Goal 26: Through creating and performing, understand how works of art are produced.
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Standards:

Understand processes, traditional tools and modern technologies used in the arts.

Apply skills and knowledge necessary to create and perform in one or more of the arts.

State Goal 27: Understand the role of the arts in civilizations, past and present.

Standards:

Analyze how the arts function in history, society and everyday life.

Understand how the arts shape and reflect history, society and everyday life.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days)
ILLINOIS RACING BOARD

NOTICE OF EXPEDITED CORRECTION

1) **Heading of the Part**: Medication

2) **Code Citation**: 11 Ill. Adm. Code 603

3) **Section number**: 603.160

4) **Date Proposal published in Illinois Register**: 33 Ill. Reg. 8135; June 19, 2009

5) **Date Adoption published in Illinois Register**: 33 Ill. Reg. 12571; September 11, 2009

6) **Date Request for Expedited Correction published in Illinois Register**: 34 Ill. Reg. 7570; May 28, 2010

7) **Adoption Effective Date**: August 25, 2009

8) **Correction Effective Date**: August 25, 2009

9) **Reason for Approval of Expedited Correction**: At the time 603.160(d) was adopted, the Board failed to change the references in 603.160(e)(1) and (2) from (d)(3) to (e)(3).

The full text of the Corrected Rules begins on the following page.
ILLINOIS RACING BOARD

NOTICE OF EXPEDITED CORRECTION

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section
603.10 Pre-Race Saliva Tests
603.20 Racing Soundness Exam
603.30 Foreign Substances and Pharmaceutical Aids Banned
603.40 Twenty-four Hour Ban
603.50 Trainer Responsibility
603.55 Prima Facie Evidence
603.60 Permitted Use of Foreign Substances and Threshold Levels
603.70 Furosemide
603.75 Environmental Contaminants
603.80 Needles, Syringes and Injectables
603.90 Drugs, Chemicals and Prescription Items
603.100 Detention Barn
603.110 Test Samples
603.120 Referee Samples
603.130 Laboratory Findings and Reports
603.140 Distribution of Purses
603.150 Post Mortems
603.160 Penalties
603.170 Veterinarian's Records
603.180 Carbon Dioxide Tests
603.190 Erythropoietin and Darbepoietin Antibody Testing Program
603.200 Out of Competition Testing
603.210 Anabolic Steroids

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

NOTICE OF EXPEDITED CORRECTION


Section 603.160 Penalties

a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.

b) Penalties for violations of this Part shall be based on the following criteria:

1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;

2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;

3) the age and experience of the violator;

4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;

5) what action, if any, was taken by the violator to avoid the violation;

6) the purse of the race.
c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.

d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.

1) The horses on the stable list shall be placed on the Steward's List unless:

   A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and

   B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;

2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.

e) Penalties for Class 4 and 5 drug violations:

1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 2343 Alexandria Drive, Suite 200, Lexington KY 40504; April 2005; this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(4)(3).

2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or
license suspension or revocation and the purse money won may be re-
distributed according to the criteria set forth in subsection (e)(4)(3).

3) In determining a disqualification and purse redistribution under this
subsection (e), the Stewards shall use the following criteria:

A) A recommendation by the Board veterinarian and/or Board chemist
regarding the significance of the concentration of the drug or
metabolite present and the estimated withdrawal time.

B) A recommendation by industry experts, including equine
pharmacologists and equine physioligists, regarding the effect of
the drug on the horse in the concentration found and/or estimated
withdrawal times.

C) Repeat violations of these medication and prohibited substance
rules by the same trainer or with respect to the same horse.

D) Prior violations of similar rules in other racing jurisdictions by the
same trainer or with respect to the same horse.

E) The criteria set forth in subsection (b).

4) The provisions of this subsection (e) shall be applied retroactively when
substantively applicable, including all actions pending before the Board,
without regard to when the cause of action accrued; provided, however,
that this subsection (e)(4) shall not operate to affect rights of individuals
that have fully vested prior to April 23, 2007.

(Source: Expedited Correction at 34 Ill. Reg. 9551, effective August 25, 2009)
JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
11:00 A.M.
JULY 13, 2010

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Auditor General

1. Public Information, Rulemaking and Organization (Repealer) (2 Ill. Adm. Code 225)
   -First Notice Published: 34 Ill. Reg. 3370 – 3/19/10
   -Expiration of Second Notice: 8/14/10

   -First Notice Published: 34 Ill. Reg. 3374 – 3/19/10
   -Expiration of Second Notice: 8/14/10

   -First Notice Published: 34 Ill. Reg. 3392 – 3/19/10
JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

-Expiration of Second Notice: 8/14/10

Capital Development Board

   -First Notice Published: 34 Ill. Reg. 3166 – 3/12/10
   -Expiration of Second Notice: 7/29/10

   -First Notice Published: 34 Ill. Reg. 2383 – 2/16/10
   -Expiration of Second Notice: 7/29/10

Commerce Commission

   -First Notice Published: 34 Ill. Reg. 2875 – 3/5/10
   -Expiration of Second Notice: 7/23/10

Education

7. Standards for All Illinois Teachers (23 Ill. Adm. Code 24)
   -First Notice Published: 34 Ill. Reg. 4970 – 4/9/10
   -Expiration of Second Notice: 8/7/10

8. Illinois Hope and Opportunity Pathways through Education Program (23 Ill. Adm. Code 210)
   -First Notice Published: 34 Ill. Reg. 5019 – 4/9/10
   -Expiration of Second Notice: 8/7/10

9. Transitional Bilingual Education (23 Ill. Adm. Code 228)
   -First Notice Published: 33 Ill. Reg. 15405 – 11/13/09
   -Expiration of Second Notice: 8/7/10

10. Early Childhood Block Grant (23 Ill. Adm. Code 235)
    -First Notice Published: 33 Ill. Reg. 15438 – 11/13/09
    -Expiration of Second Notice: 8/7/10
Electronic Recording Commission

   - First Notice Published: 34 Ill. Reg. 5588 – 4/16/10
   - Expiration of Second Notice: 7/16/10

Emergency Management Agency

   - First Notice Published: 33 Ill. Reg. 13976 – 10/9/09
   - Expiration of Second Notice: 7/25/10

   - First Notice Published: 33 Ill. Reg. 14006 – 10/9/09
   - Expiration of Second Notice: 7/25/10

   - First Notice Published: 33 Ill. Reg. 14039 – 10/9/09
   - Expiration of Second Notice: 7/25/10

Financial and Professional Regulation

   - First Notice Published: 34 Ill. Reg. 3734 – 3/26/10
   - Expiration of Second Notice: 7/17/10

Human Rights

   - First Notice Published: 34 Ill. Reg. 5946 – 4/30/10
   - Expiration of Second Notice: 7/30/10

Insurance

   - First Notice Published: 34 Ill. Reg. 5952 – 4/30/10
   - Expiration of Second Notice: 8/6/10
Natural Resources

18. Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)
   -First Notice Published: 34 Ill. Reg. 5519 – 4/16/10
   -Expiration of Second Notice: 7/18/10

   -First Notice Published: 34 Ill. Reg. 5102 – 4/9/10
   -Expiration of Second Notice: 7/18/10

20. The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)
   -First Notice Published: 34 Ill. Reg. 5114 – 4/9/10
   -Expiration of Second Notice: 7/18/10

   -First Notice Published: 34 Ill. Reg. 5121 – 4/9/10
   -Expiration of Second Notice: 7/18/10

Pollution Control Board

   -First Notice Published: 34 Ill. Reg. 2422 – 2/16/10
   -Expiration of Second Notice: 8/7/10

   -First Notice Published: 34 Ill. Reg. 5545 – 4/16/10
   -Expiration of Second Notice: 7/24/10

Public Health

   -First Notice Published: 33 Ill. Reg. 12321 – 9/4/09
   -Expiration of Second Notice: 8/2/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

-First Notice Published: 34 Ill. Reg. 5131 – 4/9/10
-Expiration of Second Notice: 8/6/10

27. Freestanding Emergency Center Code (77 Ill. Adm. Code 518)
   -First Notice Published: 34 Ill. Reg. 5555 – 4/16/10
   -Expiration of Second Notice: 7/31/10

   -First Notice Published: 33 Ill. Reg. 10947 – 7/24/09
   -Expiration of Second Notice: 8/9/10

29. Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)
   -First Notice Published: 34 Ill. Reg. 5140 – 4/9/10
   -Expiration of Second Notice: 7/31/10

Racing Board

30. Trifecta (11 Ill. Adm. Code 306)
    -First Notice Published: 34 Ill. Reg. 5576 – 4/16/10
    -Expiration of Second Notice: 7/17/10

31. Superfecta (11 Ill. Adm. Code 311)
    -First Notice Published: 34 Ill. Reg. 5580 – 4/16/10
    -Expiration of Second Notice: 7/17/10

32. Horsemen's Bookkeeping System Licensees (11 Ill. Adm. Code 450)
    -First Notice Published: 34 Ill. Reg. 5584 – 4/16/10
    -Expiration of Second Notice: 7/17/10

Revenue

    -First Notice Published: 34 Ill. Reg. 5150 – 4/9/10
    -Expiration of Second Notice: 7/30/10

34. Regional Transportation Authority Retailers' Occupation Tax (86 Ill. Adm. Code 320)
    -First Notice Published: 33 Ill. Reg. 17309 – 12/28/09
    -Expiration of Second Notice: 7/17/10

35. Regional Transportation Authority Service Occupation Tax (86 Ill. Adm. Code 330)
JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

-First Notice Published: 33 Ill. Reg. 17313 – 12/28/09
-Expiration of Second Notice: 7/17/10

36. Regional Transportation Authority Use Tax (86 Ill. Adm. Code 340)
-First Notice Published: 33 Ill. Reg. 17318 – 12/28/09
-Expiration of Second Notice: 7/17/10

State Fire Marshal

37. Certified Assessors for Fire Department Assessment Centers (41 Ill. Adm. Code 145)
-First Notice Published: 34 Ill. Reg. 2877 – 3/5/10
-Expiration of Second Notice: 8/7/10

38. Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (Repealer) (41 Ill. Adm. Code 170)
-First Notice Published: 33 Ill. Reg. 16022 – 11/20/10
-Expiration of Second Notice: 7/29/10

-First Notice Published: 33 Ill. Reg. 16196 – 11/20/09
-Expiration of Second Notice: 7/29/10

40. General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 174)
-First Notice Published: 33 Ill. Reg. 16205 – 11/20/09
-Expiration of Second Notice: 7/29/10

41. Technical Requirements for Underground Storage Tanks the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 175)
-First Notice Published: 33 Ill. Reg. 16244 – 11/20/09
-Expiration of Second Notice: 7/29/10

42. Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 176)
-First Notice Published: 33 Ill. Reg. 16352 – 11/20/09
-Expiration of Second Notice: 7/29/10

43. Compliance Certification for Underground Storage Tanks (41 Ill. Adm. Code 177)
JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

-First Notice Published: 33 Ill. Reg. 16392 – 11/20/09
-Expiration of Second Notice: 7/29/10

Transportation

44. Accommodation of Utilities on Right-of-Way (92 Ill. Adm. Code 530)
   -First Notice Published: 34 Ill. Reg. 2451 – 2/16/10
   -Expiration of Second Notice: 7/19/10

45. Regulations for State Operating Assistance to Downstate Areas (92 Ill. Adm. Code 653)
   -First Notice Published: 34 Ill. Reg. 3208 – 3/12/10
   -Expiration of Second Notice: 7/29/10

Violence Prevention Authority

46. Violence Prevention Grants (89 Ill. Adm. Code 1400)
   -First Notice Published: 34 Ill. Reg. 5813 – 4/23/10
   -Expiration of Second Notice: 7/22/10

EMERGENCY RULEMAKINGS

Environmental Protection Agency

47. Procedures for Issuing Loans from the Water Pollution Control Loan Program (35 Ill. Adm. Code 365)
   -Notice Published: 34 Ill. Reg. 8325 – 6/25/20

   -Notice Published: 34 Ill. Reg. 8406 – 6/25/10

PEREMPTORY RULEMAKING

Central Management Services

49. Pay Plan (80 Ill. Adm. Code 310)
   -Notice Published: 34 Ill. Reg. 7947 – 6/11/10
AGENCY RESPONSE

Illinois Student Assistance Commission

50. Forensic Science Grant Program (Repealer) (23 Ill. Adm. Code 2742; 34 Ill. Reg. 1374)
The following second notices were received by the Joint Committee on Administrative Rules during the period of June 22, 2010 through June 28, 2010 and have been scheduled for review by the Committee at its July 13, 2010 or August 10, 2010 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.

<table>
<thead>
<tr>
<th>Second Notice Expires</th>
<th>Agency and Rule</th>
<th>Start Of First Notice</th>
<th>JCAR Meeting</th>
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<tbody>
<tr>
<td>8/6/10</td>
<td>Department of Insurance, Health Carrier External Review (50 Ill. Adm. Code 5430)</td>
<td>4/30/10</td>
<td>7/13/10</td>
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<td>34 Ill. Reg. 5952</td>
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<td>8/6/10</td>
<td>Department of Public Health, University of Illinois Hospital Infection Control Code (77 Ill. Adm. Code 251)</td>
<td>4/9/10</td>
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<td>34 Ill. Reg. 5131</td>
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<td>8/7/10</td>
<td>Pollution Control Board, Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)</td>
<td>2/16/10</td>
<td>7/13/10</td>
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<td>34 Ill. Reg. 2422</td>
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<td>8/7/10</td>
<td>State Board of Education, Transitional Bilingual Education (23 Ill. Adm. Code 228)</td>
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<td>State Board of Education, Illinois Hope and Opportunity Pathways through Education Program (23 Ill. Adm. Code 210)</td>
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<td>34 Ill. Reg. 5019</td>
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<td>Date</td>
<td>Department</td>
<td>Action Date</td>
<td>Rule Number</td>
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<td>8/11/10</td>
<td>Department of Financial and Professional Regulation, Nursing and Advanced Practice Nursing Act – Advanced Practice Nurse (Repealer) (68 Ill. Adm. Code 1305)</td>
<td>10/2/09</td>
<td>33 Ill. Reg. 13746</td>
</tr>
</tbody>
</table>
Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] requires the Board to adopt regulations that are “identical in substance” to rules adopted by the United States Environmental Protection Agency (USEPA) to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2006)). The USEPA National Primary Drinking Water Regulations (NPDWRs) implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal SDWA (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2006)). The federal SDWA regulations are found at 40 C.F.R. 141 through 143.

Section 7.2(a) of the Act [415 ILCS 5/7.2(a)] requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) [415 ILCS 5/7.2(b)] allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the Illinois Register.

By an order dated June 17, 2009, the Board consolidated dockets R10-1 and R10-17, in order to expedite consideration of all of the amendments. By that order, the Board also set forth reasons for delay and extended the deadline for final action on the amendments from June 29, 2010 to November 15, 2010.

**TIMETABLE FOR COMPLETION OF THIS RULEMAKING AND EXTENSION OF THE DEADLINE FOR FINAL ACTION**

Under Section 7.2 of the Act (415 ILCS 5/7.2(b) (2008)), the Board must complete this rulemaking within one year of the date of the earliest set of federal amendments considered in this docket. USEPA adopted the earliest federal amendments that required Board attention on June 29, 2009. Accordingly, absent extension, the deadline for Board adoption of these amendments would be June 29, 2010.

Completing the amendments within the prescribed one-year period would have required the Board to have progressed to final adoption according to the following schedule, which has not been met:

<table>
<thead>
<tr>
<th>Due date (statutory):</th>
<th>June 29, 2010</th>
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<tbody>
<tr>
<td>Date of Board vote to propose amendments:</td>
<td>April 1, 2010</td>
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<tr>
<td>Submission for <em>Illinois Register</em> publication:</td>
<td>April 12, 2010</td>
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<tr>
<td>Probable <em>Illinois Register</em> publication dates:</td>
<td>April 23, 2010</td>
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<td>Estimated end of 45-day public comment period:</td>
<td>June 7, 2010</td>
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<tr>
<td>Likely date of Board vote to adopt amendments:</td>
<td>June 17, 2010</td>
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<tr>
<td>Probable filing and effective date:</td>
<td>June 28, 2010</td>
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</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

Probable Illinois Register publication date: July 9, 2010

Section 7.2(b), however, further provides a mechanism for the Board to extend the deadline for final action. Under that provision, the one-year period may be extended by adopting a Board order and publishing a notice of extension in the Illinois Register. The Board now uses this provision to extend the deadline. The Board states the reasons for delay as follows:

Delays in finalizing the voluminous hazardous waste amendments involved in RCRA Subtitle C Update, USEPA Amendments (July 1, 2008 through December 31, 2008), R09-16 and RCRA Subtitle C Update, USEPA Amendments (January 1, 2009 through June 30, 2009), R10-4 (consolidated) delayed development of a proposal for public comment in the present matter. This is the principal factor that makes an extension of the deadline for final action in this matter necessary. The Board today extends the deadline for completion of this proceeding.

The final Board action to adopt these amendments is now November 15, 2010. This extended deadline has a slight amount of extra time added to allow for any minor unforeseen delays in finalizing the amendments.

Considering the proposal of these amendments on this date, the Board presently projects the following will occur in the progress towards completing these amendments:

| Extended Due date (by this order): | November 15, 2010 |
| Date of Board vote to propose amendments: | August 3, 2010 |
| Submission for Illinois Register publication: | August 16, 2010 |
| Probable Illinois Register publication dates: | August 27, 2010 |
| Estimated end of 45-day public comment period: | October 11, 2010 |
| Likely date of Board vote to adopt amendments: | October 21, 2010 |
| Probable filing and effective date: | November 1, 2010 |
| Probable Illinois Register publication date: | November 12, 2010 |

Direct inquiries as follows, referencing consolidated docket R10-1/R10-17:

Michael J. McCambridge, Staff Attorney
Illinois Pollution Control Board
312-814-6924 or mccambm@ipcb.state.il.us
a) **Part(s) (Heading and Code Citation):** Access to Public Information (2 Ill. Adm. Code 5051)

1) **Rulemaking:**

   A) **Description:** The Board plan to amend the rules on file to conform to changes made by Public Act 96-542, effective January 1, 2010, to the Freedom of Information Act.

   B) **Statutory Authority:** Implementing the Freedom of Information Act [5 ILCS 140]

   C) **Scheduled meeting/hearing dates:** No meetings or hearings have been scheduled at this time.

   D) **Date agency anticipates First Notice:** August 2010

   E) **Effect on small businesses, small municipalities or not for profit corporations:** None

   F) **Agency contact person for information:**

      Karen Helland, Administrative Rules Coordinator
      Illinois Board of Higher Education
      431 East Adams Street, Second Floor
      Springfield, IL  62701-1404
      217/557-7358

   G) **Related rulemakings and other pertinent information:** None

b) **Part(s) (Heading and Code Citation):** Collaborative Baccalaureate Degree Development Grant Program

1) **Rulemaking:**

   A) **Description:** The Board plan to propose new rules to establish the framework for this new program to prevent any possible delays in implementation when a state appropriation of funds is made.
BOARD OF HIGHER EDUCATION

NOTICE OF REGULATORY AGENDA

B) **Statutory Authority:** Implementing Section 9.33 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.33 and 9.05].

C) **Scheduled meeting/hearing dates:** No meetings or hearings have been scheduled at this time.

D) **Date agency anticipates First Notice:** Undetermined.

E) **Effect on small businesses, small municipalities or not for profit corporations:** None

F) **Agency contact person for information:**

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, IL  62701-1404
217/557-7358

G) **Related rulemakings and other pertinent information:** None
a) Part(s) (Heading and Code Citation): Availability of Vehicles (44 Ill. Adm. Code 5040.220)

1) Rulemaking: No docket number presently assigned.

A) Description: Revise the current rule on Availability of Vehicles to exclude any and all references to Motor Pool Lease or Rental.

B) Statutory Authority: Article 405 of the Civil Administrative Code of Illinois, 20 ILCS 405/405-280

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: August 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information: Steve Schweitzer, Legal Counsel Central Management Services 100 West Randolph, Suite 4-500 Chicago, Illinois 60601 312/814-2364

G) Related rulemakings and other pertinent information:

b) Part(s) (Heading and Code Citation): Motor Pool Lease or Rental (44 Ill. Adm. Code 5040.240)

1) Rulemaking: No docket number presently assigned.

A) Description: Repeal the current rule on Motor Pool Lease or Rental.

B) Statutory Authority: Article 405 of the Civil Administrative Code of Illinois, 20 ILCS 405/405-280
CENTRAL MANAGEMENT SERVICES

JULY 2010 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: August 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information: Steve Schweitzer, Legal Counsel Central Management Services 100 West Randolph, Suite 4-500 Chicago, Illinois 60601 312/814-2364

G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): Private Firm Lease or Rental (44 Ill. Adm. Code 5040.250)

   1) Rulemaking: No docket number presently assigned.

      A) Description: Revise the current rule on Private Firm Lease or Rental to exclude any and all references to motor pool.

      B) Statutory Authority: Article 405 of the Civil Administrative Code of Illinois, 20 ILCS 405/405-280

      C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

      D) Date agency anticipates First Notice: August 2010

      E) Effect on small businesses, small municipalities or not for profit corporations: None

      F) Agency contact person for information:
CENTRAL MANAGEMENT SERVICES

JULY 2010 REGULATORY AGENDA

Steve Schweitzer, Legal Counsel
Central Management Service
100 West Randolph, Suite 4-500
Chicago, Illinois 60601
312/814-2364

G) Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): Requests for Acquisition of Vehicles (44 Ill. Adm. Code 5040.270)

1) Rulemaking: No docket number presently assigned.

A) Description: Revise the current rule on Requests for Acquisition of Vehicles to exclude any and all references to motor pool rental.

B) Statutory Authority: Article 405 of the Civil Administrative Code of Illinois, 20 ILCS 405/405-280

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: August 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
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312/814-2364

G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Motor Pool (44 Ill. Adm. Code 5040.380)
1) **Rulemaking:** No docket number presently assigned.

   A) **Description:** Repeal the current rule on Motor Pool.

   B) **Statutory Authority:** Article 405 of the Civil Administrative Code of Illinois, 20 ILCS 405/405-280

   C) **Scheduled meeting/hearing dates:** Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

   D) **Date agency anticipates First Notice:** August 2010

   E) **Effect on small businesses, small municipalities or not for profit corporations:** None

   F) **Agency contact person for information:**
      Steve Schweitzer, Legal Counsel
      Central Management Services
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      Chicago, Illinois 60601
      312/814-2364

   G) **Related rulemakings and other pertinent information:**

f) **Part(s) (Heading and Code Citation):** Accidents Report Procedures (44 Ill. Adm. Code 5040.520)

1) **Rulemaking:** No docket number presently assigned.

   A) **Description:** Revise the current rule on Accidents Report Procedures to exclude any and all references to motor pool vehicles.

   B) **Statutory Authority:** Article 405 of the Civil Administrative Code of Illinois, 20 ILCS 405/405-280

   C) **Scheduled meeting/hearing dates:** Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
ILLINOIS REGISTER

CENTRAL MANAGEMENT SERVICES

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D) Date agency anticipates First Notice: August 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
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G) Related rulemakings and other pertinent information:

G) Part(s) (Heading and Code Citation): DCMS Annual Statement (44 Ill. Adm. Code 5040.610)

1) Rulemaking: No docket number presently assigned.

A) Description: Revise the current rule on DCMS Annual Statement to exclude any and all references to motor pool rates of charge and usage requirements.

B) Statutory Authority: Article 405 of the Civil Administrative Code of Illinois, 20 ILCS 405/405-280

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: August 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
Steve Schweitzer, Legal Counsel
Central Management Services
G) Related rulemakings and other pertinent information:

h) Part(s) (Heading and Code Citation): Rate Schedule (44 Ill. Adm. Code 5040.700)

1) Rulemaking: No docket number presently assigned.

A) Description: Revise the current rule on Rate Schedule to exclude any and all references to motor pool rental charge.

B) Statutory Authority: Article 405 of the Civil Administrative Code of Illinois, 20 ILCS 405/405-280

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

D) Date agency anticipates First Notice: August 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
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G) Related rulemakings and other pertinent information:
JULY 2010 REGULATORY AGENDA

a) Part 2675 (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel
   Subpart C: Organization
   2 Ill. Adm. Code 2675.230

1) Rulemaking:
   A) Description: This rulemaking will make express the Executive Director's authority to issue certifications of representatives, certifications of the results of elections, and dismissals of representation petitions.
   B) Statutory Authority: 115 ILCS 5/5(i), 5/9
   C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.
   D) Date agency anticipates First Notice: October 1, 2010
   E) Effect on small businesses, small municipalities or not for profit corporations: None
   F) Agency contact person for information:
      Susan Willenborg
      Illinois Educational Labor Relations Board
      160 N. LaSalle Street, Suite N-400
      Chicago, Illinois 60601
      312/793-3170
      Susan.Willenborg@illinois.gov
   G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

b) Part 1110 (Heading and Code Citation): Representation Procedures
   80 Ill. Adm. Code 1110.70

1) Rulemaking:
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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A) Description: This rulemaking will create the same window period for bargaining units containing and not containing professional instructional personnel.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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Susan.Willenborg@illinois.gov

G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

c) Part 2676 (Heading and Code Citation): Freedom of Information
2 Ill. Adm. Code Part 2676

1) Rulemaking:

A) Description: This rulemaking will update the Illinois Educational Labor Relations Board's Freedom of Information Act rules to reflect recent changes in the Freedom of Information Act.

B) Statutory Authority: 115 ILCS 5/5(i)
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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C) Scheduled meeting/hearing dates:  The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice:  October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations:  None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:  The agency 'is undertaking a general revision of its Rules.

d) Part 1110 (Heading and Code Citation):  Representation Procedures
80 Ill. Adm. Code 1110.105

1) Rulemaking:

A) Description:  This rulemaking will provide that a hearing will not be conducted on unit appropriateness or exclusion issues in majority interest cases if no issues of material fact are raised.

B) Statutory Authority:  115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates:  The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice:  October 1, 2010
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

e) Part 1100 (Heading and Code Citation): General Procedures
80 Ill. Adm. Code 1100.70

1) Rulemaking:

A) Description: This rulemaking will provide for subpoena requests and motions to revoke subpoenas to be filed with the hearing officer or Administrative Law Judge rather than the Chief Administrative Law Judge.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Willenborg
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: The agency is
undertaking a general revision of its Rules.

f) Part 1100 (Heading and Code Citation): General Procedures
80 Ill. Adm. Code 1100.30

1) Rulemaking:

A) Description: This rulemaking will delete the three days added to time
periods when service is by first-class mail.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's
Rules will be on the agenda of the Advisory Committee meeting on
October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit
corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

g) Part 1120 (Heading and Code Citation): Unfair Labor Practice Proceedings 80 Ill. Adm. Code 1120.70

1) Rulemaking:

A) Description: This rulemaking will change the agency's compliance procedures. This rulemaking will provide that a compliance investigation will be conducted if a party asserts that compliance has not occurred. This rulemaking will also provide that the Executive Director or his designee shall order a compliance hearing when compliance has not occurred or there is an issue of law or material fact as to whether compliance has occurred. This rulemaking will provide that the compliance hearing will be conducted in accordance with the Board's Rules for hearing procedures in contested cases and that testimony may be presented. This rulemaking will provide for the Complainant to present a specification of the amount of backpay due, but for the subpoena power to continue during compliance proceedings. This rulemaking will allow the 30-day period for issuance of the Recommended Decision and Order in a compliance case to be extended on agreement of the parties. This rulemaking will eliminate the exclusion of factual issues turning exclusively on witnesses' demeanor from the issues to be resolved in the Recommended Decision and Order.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

h) Part 1110 (Heading and Code Citation): Representation Procedures

80 Ill. Adm. Code 1110.90

1) Rulemaking:

A) Description: This rulemaking will provide for notice to be provided to bargaining members through agreed-upon alternative means if the posting would occur during a period when a substantial number of bargaining unit members are not working.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

i) Part 1110 (Heading and Code Citation): Representation Procedures
80 Ill. Adm. Code 1110.105

1) Rulemaking:

A) Description: This rulemaking will provide procedures in majority interest cases in cases where the proposed unit includes professional and non-professional or craft and non-craft employees and the employee organization has not demonstrated majority status in each group but has demonstrated majority status in a combined unit.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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j) Part 1110 (Heading and Code Citation): Representation Procedures
80 Ill. Adm. Code 1110.105

1) Rulemaking:

A) Description: This rulemaking will provide procedures in majority interest self-determination cases.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

k) Parts 1100 and 1120 (Headings and Code Citations): General Procedures
80 Ill. Adm. Code 1100.120 (new section)
Unfair Labor Practice Proceedings
80 Ill. Adm. Code 1120.50

1) Rulemaking:
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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A) Description: This rulemaking will move the rule on oral argument before the Board from the Unfair Labor Practice Proceedings Part to the General Procedures Part.

B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

I) Part 1135 (Heading and Code Citation): University of Illinois Bargaining Units
80 Ill. Adm. Code. 1135.20

1) Rulemaking:

A) Description: This rulemaking will update the presumptively appropriate bargaining units for faculty at the University of Illinois to be consistent with the statute as amended.

B) Statutory Authority: 115 ILCS 5/5(i), 5(9)
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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C) **Scheduled meeting/hearing dates:** The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) **Date agency anticipates First Notice:** October 1, 2010

E) **Effect on small businesses, small municipalities or not for profit corporations:** None.

F) **Agency contact person for information:**

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G) **Related rulemakings and other pertinent information:** The agency is undertaking a general revision of its Rules.

m) **Part 1110 (Heading and Code Citation):** Representation Procedures
80 Ill. Adm. Code. 1110.40

1) **Rulemaking:**

A) **Description:** This rulemaking will provide that voluntary recognition procedures may not be used when another employee organization has lawfully attained representation rights.

B) **Statutory Authority:** 115 ILCS 5/5(i), 5(9)

C) **Scheduled meeting/hearing dates:** The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) **Date agency anticipates First Notice:** October 1, 2010
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:
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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

n) Part 1110 (Heading and Code Citation): Representation Procedures
80 Ill. Adm. Code. 1110.100

1) Rulemaking:

A) Description: This rulemaking will provide that the Executive Director or the hearing officer may direct an election when the only issues remaining between the parties are logistical.

B) Statutory Authority: 115 ILCS 5/5(i), 5(9)

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:
Susan Willenborg
Illinois Educational Labor Relations Board
G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

o) Part 1110 (Heading and Code Citation): Representation Procedures
80 Ill. Adm. Code. 1110.105

1) Rulemaking:

A) Description: This rulemaking will provide that when there is a vote on whether there should be a combined professional-nonprofessional unit or a combined craft-noncraft unit in a majority interest case, the Board is not required to certify the exclusive representative within 30 days after receipt of the petition.

B) Statutory Authority: 115 ILCS 5/5(i), 5(9)

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

p) Part 2675, Subpart C (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel Organization
   2 Ill. Adm. Code 2675
   2 Ill. Adm. Code 2675.APPENDIX A

1) Rulemaking:

   A) Description: The description of the organization of the agency and the staff organization chart will be updated.

   B) Statutory Authority: 115 ILCS 5/5(i), 5 ILCS 100/5-15(a)

   C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

   D) Date agency anticipates First Notice: October 1, 2010

   E) Effect on small businesses, small municipalities or not for profit corporations: None.

   F) Agency contact person for information:

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   G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

q) Part 1105, Subpart A (Heading and Code Citation): Hearing Procedures Non-Adversarial Procedures
   80 Ill. Adm. Code 1105.80
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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1) Rulemaking:

A) **Description:** This rulemaking will correct a citation to the Rule stating time limits for issuing hearing officers' decisions in representation cases.

B) **Statutory Authority:** 115 ILCS 5/5(i)

C) **Scheduled meeting/hearing dates:** The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) **Date agency anticipates First Notice:** October 1, 2010

E) **Effect on small businesses, small municipalities or not for profit corporations:** None.

F) **Agency contact person for information:**

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G) **Related rulemakings and other pertinent information:** The agency is undertaking a general revision of its Rules.

r) **Parts 2675, 2676 (Headings and Code Citations):** Public Information, Rulemaking, Organization and Personnel
2 Ill. Adm. Code 2675.10
Freedom of Information
2 Ill. Adm. Code 2676.60

1) Rulemaking:

A) **Description:** This rulemaking will update the address of the Illinois Educational Labor Relations Board's Springfield office.
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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B) Statutory Authority: 115 ILCS 5/5(i)

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

s) Part 1110 (Heading and Code Citation): Representation Procedures
80 Ill. Adm. Code 1110.40, 1110.140

1) Rulemaking:

A) Description: This rulemaking will change "insure" to "ensure".

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

1) Part 1110 (Heading and Code Citation): Representation Procedures
80 Ill. Adm. Code 1110.160

A) Description: This rulemaking will add the new statutory time limits for issuing certifications or dismissing petitions in unit clarification cases.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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JULY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

u) Part 1110 (Heading and Code Citation): Representation Procedures
80 Ill. Adm. Code 1110.105

1) Rulemaking:

A) Description: This rulemaking will add the new statutory deadlines for ascertaining the employees' choice or issuing a certification in majority interest cases, but remove the requirements that the Board's decision be issued within 45 days from the date that the last brief must be filed in majority interest cases.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) Date agency anticipates First Notice: October 1, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

v) Part 1100 (Heading and Code Citation): General Procedures
   80 Ill. Adm. Code 1100.130 (new)

1) Rulemaking:

   A) Description: This rulemaking will provide for persons to address the Board.

   B) Statutory Authority: 115 ILCS 5/5(i)

   C) Scheduled meeting/hearing dates: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

   D) Date agency anticipates First Notice: October 1, 2010

   E) Effect on small businesses, small municipalities or not for profit corporations: None.

   F) Agency contact person for information:

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   G) Related rulemakings and other pertinent information: The agency is undertaking a general revision of its Rules.

w) Part 1125 (Heading and Code Citation): Fair Share Fee Objections
   80 Ill. Adm. Code 1125.80

1) Rulemaking:
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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A) **Description**: This rulemaking will make clear when the close of the record is when the Administrative Law Judge holds the record open for the union to submit additional exhibits or to attempt to settle the cases.

B) **Statutory Authority**: 115 ILCS 5/5(i)

C) **Scheduled meeting/hearing dates**: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010.

D) **Date agency anticipates First Notice**: October 1, 2010

E) **Effect on small businesses, small municipalities or not for profit corporations**: None.

F) **Agency contact person for information**:

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G) **Related rulemakings and other pertinent information**: The agency is undertaking a general revision of its Rules.
ENvironMental PROTection AgenCy

july 2010 regulaTory aGeNdA

a) Part (headings and code citations): Procedures And Criteria For Reviewing Applications For Provisional Variances; 35 Ill. Adm. Code 180

1) rulemaking:

A) description: The proposal will amend 35 Ill. Adm. Code 180 to reflect the amendments to Sections 35(b), 36, and 37 of the Environmental Protection Act. Amendments to Sections 35(b), 36, and 37 of the Act give authority to the Agency to grant provisional variances rather than the Pollution Control Board. The proposed amendments may also update the Part and correct typographical errors.

B) statutory authority: Implementing and authorized by Section 35(b) of the Environmental Protection Act [415 ILCS 5/35(b)].

C) scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) date agency anticipates first notice: Fall or Winter 2010

E) effect on small business, small municipalities, or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that file a petition for a provisional variance pursuant to Section 35(b) of the Act will be affected by the proposed amendments.

F) agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dana Vetterhoffer
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None
b) Part (Heading and Code Citation): Environmental Laboratory Certification Fee Rules; 35 Ill. Adm. Code 185

1) Rulemaking:

A) Description: This rulemaking will set forth the procedures the Agency will use to determine environmental laboratory assessments under Section 17.8 of the Environmental Protection Act.

B) Statutory authority: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that requests certification for its laboratories.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Construction Permit Application Fees For Air Pollution Sources; 35 Ill. Adm. Code 250

1) Rulemaking:
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A) **Description:** The proposed new rule will set forth the procedures the Agency will use to collect construction permit application fees for air pollution sources under Section 9.12 of the Environmental Protection Act including fees for sources which emit or will emit greenhouse gases.

B) **Statutory authority:** Authorized by Section 9.12 of the Environmental Protection Act [415 ILCS 5/9.12].

C) **Scheduled meeting/hearing dates:** The Agency has not yet scheduled meetings or hearings on this proposal.

D) **Date agency anticipates First Notice:** Fall or Winter 2010

E) **Effect on small business, small municipalities or not-for-profit corporations:** Any small businesses, small municipalities, or not-for-profit corporations that submit construction permit applications that trigger the fee provisions would be subject to the procedures set forth in this new rule.

F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:

   Annet Godiksen  
   Division of Legal Counsel  
   Illinois Environmental Protection Agency  
   1021 North Grand Avenue East  
   P.O. Box 19276  
   Springfield, IL  62794-9276  
   (217) 782-5544

G) **Related rulemakings and other pertinent information:** None

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d) **Part (Heading and Code Citation):** Procedures For Collection Of Air Pollution Site Fees; 35 Ill. Adm. Code 251

1) **Rulemaking:**

   A) **Description:** The proposed amendments will reflect a new fee schedule for existing pollutants and to add a fee for sources which emit greenhouse gases.
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gases. In addition, the proposed amendments will make miscellaneous changes.

B) Statutory authority: Authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6].

C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must pay site fees would be subject to the modified applicability provisions.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

   Charles E. Matoesian
   Division of Legal Counsel
   Illinois Environmental Protection Agency
   1021 North Grand Avenue East
   P.O. Box 19276
   Springfield, IL 62794-9276
   (217) 782-5544

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: The proposal will amend 35 Ill. Adm. Code 254 to reflect the addition of greenhouse gas emissions to the list of items reported in annual emission reports.

B) Statutory authority: Implementing and authorized by Section 4(b) of the Environmental Protection Act [415 ILCS 5/4(b)].
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C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities, or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that file annual emission reports will be affected by the proposed amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Charles E. Matoesian
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Procedures For Collection Of Asbestos Fees; 35 Ill. Adm. Code 269

1) Rulemaking:

A) Description: The proposed new rule will set forth the procedures the Agency will use to collect asbestos fees under Section 9.13 of the Environmental Protection Act.


C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
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D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must file an original 10-day notice of intent to renovate or demolish pursuant to 40 CFR 61.145(b) (part of the federal asbestos National Emission Standard for Hazardous Air Pollutants or NESHAP), would be subject to the procedures to set forth in this new rule.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL  62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Clean Air Act Permit Program Procedures; 35 Ill. Adm. Code 270

1) Rulemaking:

A) Description: The proposed rule will modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule and to reflect a new fee schedule for existing pollutants and to add a fee for sources which emit greenhouse gases. In addition, the proposed rule will make miscellaneous changes.

B) Statutory authority: Authorized by Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
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D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to CAAPP fees would be subject to the proposed rule.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL  62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: The regulations will be revised to reflect changes in relevant law and operational aspects of the underlying vehicle inspection and maintenance testing program.

B) Statutory authority: Implementing and authorized by the Vehicle Emissions Inspection Law [625 ILCS 5/ch. 13B].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small
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municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

F) Agency contact person for information:

Kent Mohr
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL  62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information:  None

i) Parts (Headings and Code Citations):  Procedures for Issuing Loans from the Water Pollution Control Loan Program; 35 Ill. Adm. Code 365

1) Rulemaking:

A) Description:  The Agency will review this Part to determine how this part may be amended to accommodate future loan agreements with more favorable financial terms for a loan applicant and to include new requirements from USEPA.

B) Statutory authority:  Authorized by Section 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 5/19.9]

C) Scheduled meeting/hearing dates:  The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice:  Fall or Winter of 2010

E) Effect on small business, small municipalities, or not-for-profit corporations:  The rules should generally benefit these groups by providing more favorable financial terms for the loan applicant. The loans are limited to units of local government.
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F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie N. Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: The proposed rule will set forth the procedures for soliciting applications for financial assistance, establishes the eligibility requirements for financial assistance and the criteria under which applications will be reviewed.

B) Statutory authority: Authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4(k)]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Fall or Winter of 2010

E) Effect on small business, small municipalities, or not-for-profit corporations: The rules will benefit these entities by creating procedures to enable these and other entities to obtain 319 grants for projects to control non-point source pollution.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
ENVIRONMENTAL PROTECTION AGENCY

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Stefanie N. Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Amendment to Procedure for the Certification of Operators of Wastewater Treatment Works; 35 Ill. Adm. Code 380

1) Rulemaking:

A) Description: Proposed amendments will modify the groupings of industrial wastewater treatment works and qualifications needed by Wastewater Operators.

B) Statutory authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 and 5/27].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations operating wastewater treatment works may be affected by the proposed amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Environmental Protection Agency
ENVIRONMENTAL PROTECTION AGENCY

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1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: The amendments to these Agency rules will update definitions and explanations of administrative procedures and provide current information to owners, operators, and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process. In addition, the amendments will exempt from restricted status certain public water supplies that exceed the combined radium standard, provided the supplies meet certain conditions.

The amendments to these Agency rules will also incorporate technical, financial, and managerial requirements for new public water supplies. The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA). On May 22, 1998, the Illinois General Assembly passed SB 545 which, inter alia, amends Sections 15 and 18 of the Environmental Protection Act to require that new public water supplies have the technical, financial, and managerial capacity to meet federal and State drinking water regulations. The Governor signed this bill into law on August 14, 1998, as P.A. 90-0773.

B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
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D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will generally benefit small businesses, small municipalities, and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply" as defined by Section 3.28 of the Act, i.e., it has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: The Agency is preparing a rulemaking proposal to establish the requirements that must be met by public water supplies that exceed the combined radium standard or the gross alpha particle activity standard, to avoid being placed on restrictive status.


1) Rulemaking:

A) Description: The Agency will review this Part to determine how this part may be amended to accommodate future loan agreements with more
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favorable financial terms for a loan applicant and to include new requirements from USEPA.

B) Statutory authority: Authorized by Section 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 5/19.9]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Fall or Winter 2010

E) Effect on small business, small municipalities, or not-for-profit corporations: These rules only apply to public entities, such as municipalities, water districts, privately owned community water supplies and etc. The rules should generally benefit these groups by providing more favorable financial terms for the loan applicant.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie N. Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Underground Storage Tank Fund Legacy Site Commitments; 35 Ill. Adm. Code 882

1) Rulemaking:

A) Description: The proposed rules will set forth procedures for the commitment of money in the Underground Storage Tank Fund to the payment of corrective action costs for legacy sites pursuant to new Section 57.11(e) of the Environmental Protection Act.
B) **Statutory authority:** Implementing and authorized by Section 57.11(e) of the Environmental Protection Act [415 ILCS 5/57.11(e)].

C) **Scheduled meeting/hearing dates:** The Agency has not scheduled meeting or hearing dates on this proposal.

D) **Date Agency anticipates First Notice:** Summer or Fall 2010

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** The rules will allow owners and operators of underground storage tanks with sites that meet the definition of "legacy site", as set forth in Section 57.11(e)(4) of the Environmental Protection Act, to obtain commitments of money in the Underground Storage Tank Fund for the payment of corrective action costs incurred in the cleanup of underground storage tank releases.

F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:

Kyle Rominger  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL  62794-9276  
217-782-5544

G) **Related Rulemaking and other pertinent information:** None

o) **Part (Heading and Code Citation):** Procedures For Issuing Loans From The Water Pollution Control Program for Non-Point Pollution Control Projects; New Part

1) **Rulemaking:**

A) **Description:** This rulemaking will create procedures for eligible local government units, other governmental entities, non-governmental entities or any combination thereof, to obtain loans from the Water Pollution
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Control Loan Program for projects to control non-point sources of pollution.

B) **Statutory authority:** The proposed rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 5/19.8].

C) **Scheduled meeting/hearing date:** The Agency has not yet scheduled meetings or hearings on this proposal.

D) **Date agency anticipates First Notice:** Fall or Winter 2010

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** These rules will benefit these entities by creating procedures to enable these and other entities to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.

F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:

   Stefanie Diers  
   Division of Legal Counsel  
   Illinois Environmental Protection Agency  
   1021 North Grand Avenue East  
   P.O. Box 19276  
   Springfield, Illinois 62794-9276  
   (217) 782-5544

G) **Related rulemakings and other pertinent information:** None

p) **Part (Heading and Code Citation):** Procedures for the Agency's expedited review of RCRA corrective action plans and reports; New Part

1) **Rulemaking:**

   A) **Description:** The proposed new rule will set forth the procedures the Agency will use to perform an expedited review of RCRA corrective action plans and reports.
B) **Statutory authority:** Authorized by Section 22.3a of the Environmental Protection Act [415 ILCS 5/22.3a].

C) **Scheduled meeting/hearings dates:** The Agency has not yet scheduled meetings or hearings on this proposal.

D) **Date agency anticipates First Notice:** Fall or Winter 2010

E) **Effect on small business, small municipalities or not-for-profit corporations:** None known.

F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:

Kim Geving  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL  62794-9276  
(217) 782-5544

G) **Related rulemakings and other pertinent information:** None

q) **Part (Heading and Code Citation):** Procedures for Operation of the Clean Construction or Demolition Debris Fill Operation Fee System; New Part

1) **Rulemaking:**

A) **Description:** The proposed rule will set forth the procedures for the collection of fees from the owner or operator of a clean construction or demolition debris fill operation, including recordkeeping requirements, submittals to the Agency, and time and manner of payment.

B) **Statutory authority:** Implementing and authorized by Section 22.51b(b) of the Environmental Protection Act [415 ILCS 5/22.51b(b)] if SB 3721 is signed.
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C) **Scheduled meeting/hearing dates:** The Agency has not scheduled meeting or hearing dates on this proposal.

D) **Date Agency anticipates First Notice:** Fall or Winter 2010

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** Any small business, small municipality, or not-for-profit corporation that operates a clean construction or demolition debris fill operation permitted, or required to be permitted, by the Agency will be subject to the procedures set forth in this new rule.

F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:

    Stephanie Flowers  
    Division of Legal Counsel  
    Illinois Environmental Protection Agency  
    1021 North Grand Avenue East  
    P.O. Box 19276  
    Springfield, IL 62794-9276  
    217-782-5544

G) **Related Rulemaking and other pertinent information:** None
a) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season – 17 Ill. Adm. Code 710

1) Rulemaking:

A) Description: This Part will be amended to update language for the 2011 hunting season, including updating hunting season dates, hunting regulations, sites open for hunting and site specific information.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: October 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
   George Sisk, Legal Counsel
   Department of Natural Resources
   One Natural Resources Way
   Springfield IL 62702-1271
   217/782-1809

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Sport Fishing Regulations for the Waters of Illinois – 17 Ill. Adm. Code 810

1) Rulemaking:

A) Description: This Part is amended on an annual basis to update site-specific fishing regulations, individual site specific fishing regulations by water area and Free Fishing Days.
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B) **Statutory Authority:** Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

C) **Scheduled meeting/hearing dates:** None

D) **Date agency anticipates First Notice:** November 2010

E) **Effect on small businesses, small municipalities or not for profit corporations:** None

F) **Agency contact person for information:**
   George Sisk, Legal Counsel
   Department of Natural Resources
   One Natural Resources Way
   Springfield IL   62702-1271
   217/782-1809

G) **Related rulemakings and other pertinent information:** None

c) **Part(s) (Heading and Code Citation):** Conservation 2000 – Ecosystems Program - 17 Ill. Adm. Code 1523

1) **Rulemaking:**

   A) **Description:** Amendments to this Part are being proposed to update the application deadline.

   B) **Statutory Authority:** Implementing and authorized by Sections 6z-32, 5.411 and 5.412 of the State Finance Act [30 ILCS 105/6z-32, 5.411 and 5.412].

   C) **Scheduled meeting/hearing dates:** None

   D) **Date agency anticipates First Notice:** August 2010
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E) **Effect on small businesses, small municipalities or not for profit corporations:** Enrollment in this program is open to individuals, groups and/or organizations interested in being designated as an Ecosystem Partnership.

F) **Agency contact person for information:**

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809

G) **Related rulemakings and other pertinent information:** None

d) **Part(s) (Heading and Code Citation):** Designation of Restricted Waters in the State of Illinois – 17 Ill. Adm. Code 2030

1) **Rulemaking:**

A) **Description:** An amendment to this Part will be made to designate an area as restricted.

B) **Statutory Authority:** Implementing and authorized by Section 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

C) **Scheduled meeting/hearing dates:** None

D) **Date agency anticipates First Notice:** August 2010

E) **Effect on small businesses, small municipalities or not for profit corporations:** None

F) **Agency contact person for information:**

Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
DEPARTMENT OF NATURAL RESOURCES

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G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Conservation Police Officer Professional Standards – 17 Ill. Adm. Code 2050

1) Rulemaking:

A) Description: This Part is being amended to update qualifications and requirements for persons hired as Conservation Police Officers by the Department of Natural Resources.

B) Statutory Authority: Implementing and authorized by Section 805-535 of the Civil Administrative Code of Illinois [20 ILCS 805/805-535

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Revocation Procedures for Conservation Offenses – 17 Ill. Adm. Code 2530

1) Rulemaking:

A) Description: Amendments will be made to update the point values assigned to a conviction and to regulations pertaining to reinstatement of privileges for persons whose licenses have been suspended/revoked.
B) **Statutory Authority:** Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545].

C) **Scheduled meeting/hearing dates:** None

D) **Date agency anticipates First Notice:** August 2010

E) **Effect on small businesses, small municipalities or not for profit corporations:** None

F) **Agency contact person for information:**
George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) **Related rulemakings and other pertinent information:** None

g) **Part(s) (Heading and Code Citation):** Snowmobile Trail Establishment Fund Grant Program – 17 Ill. Adm. Code 3020

1) **Rulemaking:**

A) **Description:** This Part will be amended to allow grantees to seek grant assistance for the purchase of program-required liability insurance.

B) **Statutory Authority:** Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2].
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C) Scheduled meeting/hearing dates:  None

D) Date agency anticipates First Notice:  August 2010

E) Effect on small businesses, small municipalities or not for profit corporations:  None

F) Agency contact person for information:
   George Sisk, Legal Counsel
   Department of Natural Resources
   One Natural Resources Way
   Springfield IL  62702-1271
   217/782-1809

G) Related rulemakings and other pertinent information:  None

h) Part(s) (Heading and Code Citation):  The Illinois Oil and Gas Act - 62 Ill. Adm. Code 240

1) Rulemaking:
   A) Description:  These amendments are being proposed to increase the amount for civil penalties for non-compliance with the rules, clarify who is required to be notified of administrative hearings by the Division of Oil and Gas, require the GPS locations for new wells, and clarify existing language in the rules.

   B) Statutory Authority:  Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" [225 ILCS 725/6 and 8a].

   C) Scheduled meeting/hearing dates:  None

   D) Date agency anticipates First Notice:  October 2009

   E) Effect on small businesses, small municipalities or not for profit corporations:  This rulemaking regulates oil and gas operators.

   F) Agency contact person for information:
DEPARTMENT OF NATURAL RESOURCES

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Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF PUBLIC HEALTH

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1) Rulemaking:

A) Description: These proposed amendments will make multiple technical changes, including a new Authority Note, that will bring both Parts under the new MR/DD Community Care Act [210 ILCS 47]

B) Statutory Authority: MR/DD Community Care Act [210 ILCS 47]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, July 2010

D) Date agency anticipates First Notice: summer 2010

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect developmental disabilities facilities and facilities that provide skilled nursing care for residents under age 22.

F) Agency contact person for information:

Susan Meister
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217/782-2043

G) Related rulemakings and other pertinent information: None


1) Rulemaking:
A) **Description**: Extensive revisions that update all of the professional standards and federal and state statutes and regulations in the rules' respective incorporated and referenced materials sections; update building and construction codes and practices in the body of the rules; implement new federal regulations on sprinkler systems.

B) **Statutory Authority**: Nursing Home Care Act [210 ILCS 45]

C) **Scheduled meeting/hearing dates**: Long-Term Care Facility Advisory Board; summer or fall 2010

D) **Date agency anticipates First Notice**: fall 2010

E) **Effect on small businesses, small municipalities or not for profit corporations**: This rulemaking will affect long-term care facilities.

F) **Agency contact person for information**:

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G) **Related rulemakings and other pertinent information**: This was originally four rulemakings for each Part that were consolidated into one rulemaking for each Part to avoid simultaneous amendments of the same Sections.

2) **Rulemaking**:

A) **Description**: The proposed amendments update statutory language in accordance with Public Act 95-545, which changed "Nursing Aide Registry" to "Health Care Worker Registry" in the Nursing Home Care Act, and to make the three long-term care Parts consistent with amendments to the Long-Term Care and Aides Training Programs Code (77 Ill. Adm. Code 395).
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B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]  

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, summer or fall 2010  

D) Date agency anticipates First Notice: fall 2010  

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect long-term care facilities.  

F) Agency contact person for information:  
   
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G) Related rulemakings and other pertinent information: None  

3) Rulemaking:  

A) Description: Multiple rulemakings over the next year will implement the provisions of Senate Bill 0326, provided that it is signed into law.  

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]  

C) Scheduled meeting/hearing dates: Meetings with the Long-Term Care Facility Advisory Board every two months for the next year  

D) Date agency anticipates First Notice: multiple filings over the next year, beginning in fall 2010  

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect long-term care facilities.  

F) Agency contact person for information:
G) Related rulemakings and other pertinent information: None

4) Rulemaking:

A) Description: The proposed amendments will implement Senate Bill 2601, provided that it is signed into law, including screening residents for HIV and hepatitis and offering immunizations.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, September 2010

D) Date agency anticipates First Notice: fall 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect long-term care facilities.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None
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1) Rulemaking:

A) **Description:** This proposed rulemaking will implement House Bill 6006, provided that it is signed into law, concerning licensure renewal.

B) **Statutory Authority:** Assisted Living and Shared Housing Act [210 ILCS 9]

C) **Scheduled meeting/hearing dates:** unknown

D) **Date agency anticipates First Notice:** fall 2010

E) **Effect on small businesses, small municipalities or not for profit corporations:** This proposed rulemaking will affect assisted living establishments.

F) **Agency contact person for information:**

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G) **Related rulemakings and other pertinent information:** None

2) Rulemaking:

A) **Description:** This proposed rulemaking will implement House Bill 5998, provided that it is signed into law, which eliminates the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.

B) **Statutory Authority:** Assisted Living and Shared Housing Act [210 ILCS 9].
C) Scheduled meeting/hearing dates: none

D) Date agency anticipates First Notice: fall 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect assisted living and shared housing establishments.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

d) Part: Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking:

A) Description: The proposed amendments will implement Public Act 96-692, which involves reporting abuse and neglect of hospital patients. The rulemaking will also include patient safety requirements and updated language for postoperative recovery units.

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

C) Scheduled meeting/hearing dates: August 2010

D) Date agency anticipates First Notice: fall 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect hospitals.

F) Agency contact person for information:
G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: The proposed amendments will implement HB5764, which mandates gaining access to a locked bathroom in a patient's room (Seth's Law).

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

C) Scheduled meeting/hearing dates: August 2010

D) Date agency anticipates first notice: fall 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect hospitals.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

3) Rulemaking:
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A) **Description**: These proposed amendments will make extensive changes to sections on maternity and neonatal service, and maternity departments.

B) **Statutory Authority**: Hospital Licensing Act [210 ILCS 85]

C) **Scheduled meeting/hearing dates**: August 2010

D) **Date agency anticipates first notice**: fall 2010

E) **Effect on small businesses, small municipalities or not for profit corporations**: These amendments may affect hospitals.

F) **Agency contact person for information**: Susan Meister
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G) **Related rulemakings and other pertinent information**: None


1) **Rulemaking**:

A) **Description**: These amendments will include new and updated definitions; updated incorporated and referenced materials; licensing requirements; application of the rules to audiologists; complaint notification and consumer records requirements; procedures for Department inspections; mail order sales and in-office sales promotion requirements; provisions for liability insurance; application procedures, licensing fees and license renewals; supervision of students and licensed trainees; test procedures; and provisions relating to dishonest, unethical, and unprofessional conduct.
B) **Statutory Authority**: Hearing Instrument Consumer Protection Act [225 ILCS 50]

C) **Scheduled meeting/hearing dates**: State Board of Health, September 2010.

D) **Date agency anticipates First Notice**: fall 2010

E) **Effect on small businesses, small municipalities or not for profit corporations**: These changes to the Code will have a minor economic effect on small hearing instrument dispensing businesses.

F) **Agency contact person for information**:

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G) **Related rulemakings and other pertinent information**: This rulemaking is in response to changes made in the Act [225 ILCS 50/].

**f)** **Part**: Podiatric Scholarship and Residency Programs Code (77 Ill Adm. Code 593)

1) **Rulemaking**:

A) **Description**: Amendments are proposed for several new definitions and to include references for the Illinois Administrative Procedure Act and the Illinois Grant Funds Recovery Act. New sections are also proposed to include recovery provisions and reporting requirements.

B) **Statutory Authority**: Podiatric Scholarship and Residency Act [110 ILCS 978]

C) **Scheduled meeting/hearing dates**: State Board of Health, To Be Determined
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D) Date agency anticipates First Notice: 2010

E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities and not-for-profit corporations.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

g) Part: Allied Health Care Professional Assistance Law (77 Ill Adm. Code 598)

1) Rulemaking:

A) Description: Amendments are proposed to add several definitions, including advanced practice nurse, primary care, and medically underserved populations. New language will also be proposed to clarify the terms of performance required of scholarship recipients.

B) Statutory Authority: Allied Health Care Professional Assistance Law [110 ILCS 905]

C) Scheduled meeting/hearing dates: State Board of Health, To Be Determined

D) Date agency anticipates First Notice: 2010

E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities and not-for-profit corporations.
DEPARTMENT OF PUBLIC HEALTH

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F) **Agency contact person for information:**

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G) **Related rulemakings and other pertinent information:** None

h) **Part:** Community Health Center Expansion (77 Ill. Adm. 975)

1) **Rulemaking:**

A) **Description:** Part 975 will be amended to add definitions for several terms. New sections are proposed to describe application standards, to integrate requirements from the Illinois Grant Funds Recovery Act, and to formalize the public comment process. Enhanced reporting requirements are also proposed.

B) **Statutory Authority:** Community Health Center Expansion Act [410 ILCS 66]

C) **Scheduled meeting/hearing dates:** State Board of Health, To Be Determined

D) **Date agency anticipates First Notice:** 2010

E) **Effect on small businesses, small municipalities or not for profit corporations:** No effect is anticipated on small businesses or small municipalities. Not-for-profit entities that operate community health centers will potentially be affected by the proposal due to the additional requirements from the Illinois Grant Funds Recovery Act and the public comment process.

F) **Agency contact person for information:**

Susan Meister
G) Related rulemakings and other pertinent information: None

i) Part: Hospital Capital Investment Program (77 Ill. Adm. 976)

1) Rulemaking:

   A) Description: Public Act 96-37 mandates that the Illinois Department of Public Health establish and administer a program to award capital grants to hospitals. The grants are to be used to fund projects to improve or renovate the hospital's facility, or to improve, replace or acquire equipment or technology. This rulemaking will establish definitions, application standards, requirements for the distribution and obligation of grant funds, accounting standards, reporting requirements and standards for monitoring grantee compliance.

   B) Statutory Authority: Section 2310-640 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640]

   C) Scheduled meeting/hearing dates: State Board of Health, June 10, 2010

   D) Date agency anticipates First Notice: July 2010

   E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities and not-for-profit corporations.

   F) Agency contact person for information:

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DEPARTMENT OF PUBLIC HEALTH

JULY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

j) Part: Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

1) Rulemaking:

A) Description: This rulemaking will implement the provisions of House Bill 5183 of the 96th General Assembly once it is signed into law. Specifically, it will further define the newly created "reserve ambulance" licensure category; set criteria and guidelines for critical care transports; set licensure/certification and renewal fees for the EMS professions established in the Act; increase the fee cap on ambulances per provider; and further define provisions related to license revocation for licensees convicted of a Class X felony.

B) Statutory authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: September 2010

D) Date agency anticipates First Notice: October 2010

E) Effect on small businesses, small municipalities or not for profit corporations: Vehicle service providers with more than 20 ambulances will have to pay a higher cost to license their entire fleet of ambulances.

F) Agency contact person for information:

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217/782-2043
2) **Rulemaking:**

A) **Description:** This rulemaking will assist in the implementation of Public Act 96-702, which provides for licensure of stretcher van providers by the Department of Public Health. The Department's responsibilities in connection with licensure of stretcher van providers will be further defined.

B) **Statutory Authority:** Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) **Scheduled meeting/hearing dates:** December 2010

D) **Date agency anticipates First Notice:** December 2010

E) **Effect on small businesses, small municipalities or not for profit corporations:** Vehicle service providers who currently operate stretcher vans will be subject to licensure criteria and fees.

F) **Agency contact person for information:**

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G) **Related rulemakings and other pertinent information:** None

3) **Rulemaking:**

A) **Description:** This rulemaking will assist with the implementation of Public Act 96-514, which contains provisions regarding: development of portions of an EMS Region Plan concerning stroke; the triage, treatment, and transport of possible acute stroke patients; creation of Regional Stroke Advisory Subcommittees and a State Stroke Advisory Subcommittee;
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designation of hospitals as certified Primary Stroke Centers and Emergent Stroke Ready Hospitals by the Department of Public Health; grants to hospitals for the acquisition and maintenance of necessary infrastructure, including personnel, equipment, and pharmaceuticals for the diagnosis and treatment of acute stroke patients; reports; construction of the new provisions; violations; rules; and other matters.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: December 2010

D) Date agency anticipates First Notice: December 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

4) Rulemaking:

A) Description: This rulemaking will assist in the implementation of Public Act 96-540. This new law provides that the Department of Public Health has the authority and responsibility to review applications for emergency medical technician (EMT) licensure from honorably discharged members of the armed forces of the United States with military emergency medical training. Applications must be filed with the Department within one year after military discharge. If the application clearly demonstrates that the training and experience meets standards set forth in the Act, the
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Department will offer the applicant the opportunity to successfully complete a Department-approved EMT examination for which the applicant is qualified. Upon passage of the examination, the Department will issue a license, which shall be subject to all provisions of the Act that are otherwise applicable to the class of EMT license issued.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: December, 2010

D) Date agency anticipates First Notice: December 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None


   1) Rulemaking:

      A) Description: This rulemaking will contain changes corresponding to changes made to the Automated External Defibrillator Act pursuant to Public Act 95-447. Specifically, changes will remove references to "Resource Hospitals", as they no longer have responsibility under the Act.

      B) Statutory Authority: Automated External Defibrillator Act [410 ILCS 4]
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C) Scheduled meeting/hearing dates: September 16, 2010

D) Date agency anticipates First Notice: October 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None


   1) Rulemaking:

      A) Description: This rulemaking will create guidelines to allow the Department to make grants from the Spinal Cord Injury Paralysis Cure Research Trust Fund.

      B) Statutory Authority: State Finance Act [30 ILCS 105/6Z-49]

      C) Scheduled meeting/hearing dates: September 16, 2010

      D) Date agency anticipates First Notice: October 2010

      E) Effect on small businesses, small municipalities or not for profit corporations: None

      F) Agency contact person for information:

          Susan Meister
DEPARTMENT OF PUBLIC HEALTH

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G) Related rulemakings and other pertinent information: None
a) Part(s) (Heading and Code Citation): Voluntary Self-Exclusion Program, 11 Ill. Adm. Code 453

1) Rulemaking:

A) Description: This rulemaking authorizes problem gamblers to voluntarily request that their names be placed on a list of self-excluded persons to be maintained by the Illinois Racing Board. As a result of the entry of a person’s name on such list, that person would be prohibited from wagering on horse races and entering racetracks and off-track wagering facilities licensed by the Illinois Racing Board. The proposed rulemaking establishes procedures for an individual’s inclusion on, and removal from, the list of self-excluded persons. Racetracks and off-track wagering facilities are required to remove persons on the self-excluded list mailings or other forms of advertising or promotions.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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ILLINOIS REGISTER

ILLINOIS RACING BOARD

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G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Medication, 11 Ill. Adm. Code 603

1) Rulemaking:

A) Description: This rulemaking is being promulgated to provide threshold levels in plasma for anabolic steroids.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Entries, Subscriptions, and Declarations, 11 Ill. Adm. Code 1413

1) Rulemaking:
ILLINOIS RACING BOARD

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A) **Description**: This rulemaking eliminates the references to 48 hour and 72 hour entry boxes because the receipt of entries close at a time prescribed by the Organization Licensee and approved by the Stewards.

B) **Statutory Authority**: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) **Scheduled meeting/hearing dates**: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) **Date agency anticipates First Notice**: Undetermined

E) **Effect on small businesses, small municipalities or not for profit corporations**: None

F) **Agency contact person for information**:

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mickey.ezzo@illinois.gov

G) **Related rulemakings and other pertinent information**: None

d) **Part(s) (Heading and Code Citation)**: Jockeys, Apprentices, Jockey Agents, and Valets, 11 Ill. Adm. Code 1411

1) **Rulemaking**:

A) **Description**: This rulemaking will reflect the ARCI model rules regarding safety vests for jockeys.

B) **Statutory Authority**: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
C) **Scheduled meeting/hearing dates:** Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) **Date agency anticipates First Notice:** Undetermined

F) **Effect on small businesses, small municipalities or not for profit corporations:** None

G) **Agency contact person for information:**

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G) **Related rulemakings and other pertinent information:** None

e) **Part(s) (Heading and Code Citation):** Advance Deposit Wagering, 11 Ill. Adm. Code 325

1) **Rulemaking:**

A) **Description:** Due to the growing popularity of on-line and phone betting, Part 325 may periodically need updating.

B) **Statutory Authority:** Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) **Scheduled meeting/hearing dates:** Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) **Date agency anticipates First Notice:** Undetermined
ILLINOIS RACING BOARD

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E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None
a) Part(s) (Heading and Code Citation): Lottery (Hearings) 11 Ill. Adm. Code 1700

1) Rulemaking:
   A) Description: Amendment to Title 11, Part 1700 in order to bring the
      Illinois Lottery's hearing rules more in line with the rules followed for
      Illinois Department of Revenue administrative hearings, with respect to
      both terminology and procedure.
   B) Statutory Authority: 20 ILCS 1605/7.1 and 7.2
   C) Scheduled meeting/hearing dates: No schedule has been established at
      this time.
   D) Date agency anticipates First Notice: The date of first notice is unknown
      at this time.
   E) Effect on small business, small municipalities or not for profit
      corporations: We expect that these modifications to the hearing rules will
      have no significant impact on small businesses, municipalities or not for
      profit organizations that may avail themselves of the Lottery's
      administrative hearing process.
   F) Agency contact person for information:
      Lisa Crites
      Illinois Department of Revenue
      Illinois Lottery Division
      101 W. Jefferson, MC5-950
      Springfield, IL 62702
      Telephone: 217/524-5253
      Fax: 217/558-2168
      e-mail: lisa.crites@illinois.gov
   G) Related rulemakings and other pertinent information: There are no related
      rulemakings.

b) Part(s) (Heading and Code Citation): Lottery (General), 11 Ill. Adm. Code 1770
DEPARTMENT OF REVENUE

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1) Rulemaking:

A) Description:

1) Amendment to Section 1770.80 to redefine what constitutes a change of ownership for purposes of an Illinois Lottery license.

2) Amendment to Section 1770.90 to allow slightly more time for retailers to deliver late payments to regional offices before lottery terminal functions are suppressed.

3) Amendment to Section 1770.130 to replace a reference to "The Big Game" with a reference to the "Mega Millions" game.

4) Amendment to Section 1770.190 to address methodology used to calculate Common School Fund and Capital Projects Fund transfers.

B) Statutory Authority: 20 ILCS 1605/7.1 and 7.2

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate first notice will be published in the first quarter of fiscal year 2011.

E) Effect on small business, small municipalities or not for profit corporations: The amendments to Sections 1770.80 and 1770.90 will have a positive effect on small businesses, small municipalities and not-for-profit organizations by allowing slightly more time for payment of delinquent accounts before lottery ticket sales at the location are halted, and by eliminating the need for the assignment of new retailer numbers and payment of additional fees in certain situations that are currently classified as changes of ownership (such as a transfer of a family-owned business from parent to adult child).

F) Agency contact person for information:

Lisa Crites
G) Related rulemakings and other pertinent information: There are no related rulemakings.

c) Part(s) (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, statutes of limitations, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income under Article 2 of the IITA and the allocation and apportionment of base income under Article 3 of the IITA.

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, rounding amounts on returns to the nearest dollar and on the issue of when a taxpayer is subject to tax in another state under IITA Section 303(f).
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Part 100 will be amended to provide guidance for payment of estimated taxes during short taxable years, during years in which marital status changes, and for computation of penalties for late payment of estimated taxes.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to implement legislation enacted in 2004, 2005, 2006, 2007, 2008, 2009 and 2010, including the small business jobs credit, the allowance of Economic Development for a Growing Economy credits to be used against withholding obligations, credits for hiring veterans and ex-felons, bonus depreciation adjustments, withholding by employers, partnerships, Subchapter S corporations and trusts, changes to apportionment formulas and taxation of real estate investment trusts and their investors.

Part 100 will be amended to provide additional guidance on nexus and on the Illinois income tax consequences of changes in federal income tax laws.

Finally, the Department will continue the updating and correction of Part 100.

Proposed rules that have been submitted to first notice and that should be adopted in the near future include:

Section 100.3200 (amended) – provides guidance on when a taxpayer is "taxable in another state" for allocation and apportionment purposes after the decision in Dover Corp. v. Dept. of Revenue, 271 Ill. App. 3d 700 (1995).

Section 100.5020 (amended) – provides guidance on automatic extensions of time to file returns.

Sections 100.8000 and 100.8010 (new) – provide guidance on computation of estimated tax obligations and penalties for failure to make timely payments, and for payment of estimated taxes in short taxable years.
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Section 100.9750 (amended) – amends the provisions on disregarded entities to follow the federal practice of requiring disregarded entities to file and pay withholding tax returns.

B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

Paul Caselton  
Deputy General Counsel, Income Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: 217/524-3951

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

A) Description: Part 110 will be amended concerning 110.140 for Board of Review Procedures and Records. The language in the section, which deals with counties of less than 3,000,000, needs to be updated in order to correspond to the latest Illinois Department of Revenue forms and statutory changes.
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Part 110 will be amended to implement the new Disabled Persons' Homestead Exemption under 35 ILCS 200/15-168.

Part 110 will be amended to adopt new rules to implement changes made to the Senior Citizens Assessment Freeze Homestead Exemption under 35 ILCS 200/15-172.

Part 110 will be amended concerning 110.160 for Multi-Township Assessment Districts. Two newly created multi-township assessment districts needed to be added to the list contained within the rules.

Part 110 will be amended with respect to 110.162 for Township and Multi-Township Assessor Qualifications. The amendment deals with the approved designation list from the Department of Revenue.

Part 110 will be amended by the creation of section 110.116 in the property tax regulations in order to clarify the requirements for charitable property tax exemptions for low income housing projects.


C) Scheduled meeting/hearing dates: No schedule has been established.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 during the first six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: May impact some not for profit corporations that are seeking preferential property tax assessments. With respect to the creation of Section 110.116, there will be no impact on small business-none. Small municipalities; however, may be impacted in a very limited manner as these projects are primarily located in larger urban areas. Not-for-profit corporations will be assisted because of the not-for-profit charitable organizations that operate low income housing facilities by clarifying the rules for obtaining property tax exemptions.
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F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: 217/524-4886

G) Related rulemakings and other pertinent information: None

e) Part(s) Heading and Code Citation): Rental Housing Support Program, 86 Ill. Adm. Code 121

1) Rulemaking:

A) Description: New rules will be created under Part 121 to implement the new Rental Housing Support Program.

B) Statutory Authority: 55 ILCS 5/3-5018

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings creating Part 121 during the first six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: De minimus. Small business and not for profit organizations are subject to the $10 recording fee for real estate related documents. Units of local government are exempt under the statute.

F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

1) Rulemaking:

A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings. Some of the highlights of these changes include:

1. Amendment of Section 130.415 (transportation and delivery charges) to add examples and to clarify the requirement of a separate agreement between seller and purchaser, particularly in the case of Internet, mail order, telephone and television orders, and what tax rate applies to taxable handling charges for an order that contains both high tax rate and low tax rate items.

2. Amendment of Section 130.2005 regarding nonprofit service enterprises to clarify how tax-exempt organizations handle fundraising events, including occasional dinners and bake sales and similar events.

3. Amendment of Section 130.2013 regarding the lessor's credit to describe the requirements necessary for claiming the credit on sales to customers who are purchasing items that they had previously leased from those lessors.

4. Amendment of Section 130.455 regarding motor vehicle trade-ins to clarify issues regarding trade-ins including how advance trade-ins apply in auction situations.
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5. Amendment of 130.2080 to update the regulation governing sales to governmental bodies, foreign diplomats and consular personnel.

6. Amendment of Section 130 ILLUSTRATION A – to update examples of tax exemption cards.

7. Amendment of Section 130.2050 – Sales and Gifts By Employers to Employees – to update the presumptive Use Tax base on meals provided to employees.

8. Creation of a new section regarding the exemption created by Public Act 95-672 for tangible personal property sold to public-facilities corporations for purposes of constructing or furnishing a municipal convention hall.

9. Amendment of Section 130.2007 to explain the proper use by an exempt organization of its exemption identification number issued by the Department and consequences of an organization's failure to use ordinary care to ensure that the exemption identification number is properly utilized. Consequences include revocation of the exemption identification number.

10. Amendment of Section 130.325 regarding the graphic arts machinery and equipment exemption to add the August 30, 2014 sunset date created by Public Act 96-116 for that exemption and includes changes from the Act that added a new requirement for equipment to qualify for that exemption.

11. Creation of a new section to provide guidance regarding the documentation requirements for sales by retailers to exempt organizations holding active exemption numbers issued by the Department.

B) Statutory Authority: 35 ILCS 120/12

C) Scheduled meetings/hearing dates: No schedule has been established at this time.
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D) **Date agency anticipates First Notice**: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations**: Small businesses that sell tangible personal property at retail will be affected by these regulations. Businesses that sell tangible personal property through the Internet, mail order, telephone and television orders will be impacted by the changes to 130.415 regarding delivery and handling charges. Graphic artists will be impacted by the changes to the provisions of the Graphic Arts Machinery and Equipment exemption in Section 130.325. Tax exempt organizations will be affected by the changes proposed to Section 130.2005, 130.2007, and the new section providing guidance on how to document exempt sales to those organizations.

F) **Agency contact person for information**:

Jerilynn Gorden  
Deputy General Counsel, Sales & Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information**: None

**g) Part(s) (Heading and Code Citation)**: Service Occupation Tax, 86 Ill. Adm. Code 140

1) **Rulemaking**:

A) **Description**: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy. Some of the highlights of these changes are revisions to Section 140.108 to add an example of a company that provides water service as a de minimis serviceman; and the addition of language to reinforce that de minimis servicemen cannot provide certificates of resale if those de minimis
servicemen are registered with the Department only for the limited purpose of self-assessing and remitting their own use tax liability.

B) **Statutory Authority:** 35 ILCS 115/12

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

E) **Effect on small business, small municipalities or not-for-profit corporations:** Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information:** None

h) **Part(s) (Heading and Code Citation):** Use Tax, 86 Ill. Adm. Code 150

1) **Rulemaking:**

   A) **Description:** Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. For example, amendments to Section 150.201 that set forth the Department's policies regarding the types of activities and relationships that establish nexus for Use Tax collection (definition of "retailer maintaining a place of business in this State").
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B) Statutory Authority: 35 ILCS 105/12

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Use Tax.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: 217/782-2844

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Service Use Tax, 86 Ill. Adm. Code 160

1) Rulemaking:

A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.

B) Statutory Authority: 35 ILCS 110/12

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.
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E) **Effect on small business, small municipalities or not for profit corporations:** These amendments will affect persons subject to the Service Use Tax, including persons required to collect Service Use Tax from Illinois purchasers.

F) **Agency contact person for information:**

    Jerilynn Gorden  
    Deputy General Counsel, Sales and Excise Tax  
    Illinois Department of Revenue  
    101 W. Jefferson, 5-500  
    Springfield, IL 62794  
    Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information:** None

j) **Part(s) (Heading and Code Citation):** Practice and Procedure for Hearings Before the IDOR, 86 Ill. Adm. Code 200

1) **Rulemaking:**

   A) **Description:** The Department will amend the regulations in Part 200 to address issues that have arisen since their adoption, particularly with regard to scheduling.

   B) **Statutory Authority:** 20 ILCS 2505/2505-795

   C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.

   D) **Date agency anticipates First Notice:** We anticipate filings during the next six months of this year.

   E) **Effect on small business, small municipalities and not for profit corporations:** These rulemakings will provide guidance as well as ease deadlines and remove certain hurdles encountered by businesses and other entities pursuing a protest concerning tax liabilities imposed under the various tax statutes administered by the Department.
F) **Agency contact person for information:**

Brian Fliflet  
Deputy General Counsel, Income Tax Litigation  
Illinois Department of Revenue  
100 W. Randolph St., 7-900  
Chicago, IL 60601  
Telephone: 312/814-0004

G) **Related rulemakings and other pertinent information:** None

k) **Part(s) (Heading and Code Citation):** Home Rule Municipal Retailers' Occupation Tax, 86 Ill. Adm. Code 270

1) **Rulemaking:**

**A) Description:** The Department anticipates amending Section 270.115 – Jurisdictional Questions – to clarify factors used to determine where selling – and as a result, situs of local taxes – occurs. This rulemaking would be used as a prototype to amend similar sections in other Parts governing local taxes administered by the Department.

**B) Statutory Authority:** 35 ILCS 120/12 (incorporated by reference at 65 ILCS 5/8-11-1)

**C) Scheduled meetings/hearing dates:** No schedule has been established at this time.

**D) Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

**E) Effect on small business, small municipalities or not for profit corporations:** Businesses that make sales in municipalities imposing taxes collected by the Department will be affected.

**F) Agency contact person for information:**

Jeryllynn Gorden  
Deputy General Counsel, Sales and Excise Tax
G) Related rulemakings and other pertinent information: Similar changes will be made to other Parts governing the Department's administration of locally imposed taxes.

l) Part(s) (Heading and Code Citation): Regional Transportation Authority Retailers' Occupation Tax, 86 Ill. Adm. Code 320

1) Rulemaking:

A) Description: Regulations will be updated to reflect the tax increase for the RTA Retailers' Occupation Tax (Public Act 95-708)

B) Statutory Authority: 70 ILCS 3615/4.03(e)

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property in the metropolitan area will be minimally affected.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Related rulemakings include amendments to Parts 330 and 340 (see subsections (o) and (p)).

m) Part(s) (Heading and Code Citation): Regional Transportation Authority Service Occupation Tax, 86 Ill. Adm. Code 330

1) Rulemaking:

A) Description: Regulations will be updated to reflect the tax increase for the RTA Service Occupation Tax (Public Act 95-708)

B) Statutory Authority: 70 ILCS 3615/4.03(f)

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses in the metropolitan region that make sales of service involving the transfer of tangible personal property would be minimally affected.

F) Agency contact person for information:

Jerilynn Gorden
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Illinois Department of Revenue
101 W. Jefferson, 5-500
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G) Related rulemakings and other pertinent information: Related rulemakings include amendments to Parts 320 and 340 (see subsections (n) and (p)).
Part(s) (Heading and Code Citation): Regional Transportation Authority Use Tax, 86 Ill. Adm. Code 340

1) Rulemaking:

   A) Description: Regulations will be updated to reflect the tax increase for the RTA Use Tax (Public Act 95-708)

   B) Statutory Authority: 70 ILCS 3615/4.03(g)

   C) Scheduled meeting/hearing dates: No schedule has been established at this time.

   D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

   E) Effect on small business, small municipalities or not for profit corporations: Persons making purchases outside the metropolitan region of items that are titled or registered to an address in the metropolitan region will be minimally affected.

   F) Agency contact person for information:

   Jerilynn Gorden
   Deputy General Counsel, Sales and Excise Tax
   Illinois Department of Revenue
   101 W. Jefferson, 5-500
   Springfield, IL 62794
   Telephone: 217/782-2844

   G) Related rulemakings and other pertinent information: Related rulemakings include amendments to Parts 320 and 330 (see subsections (n) and (o)).
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A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

B) Statutory Authority: 70 ILCS 3610/5.01

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.

F) Agency contact person for information:

   Jerilynn Gorden
   Deputy General Counsel, Sales and Excise Tax
   Illinois Department of Revenue
   101 W. Jefferson, 5-500
   Springfield, IL 62794
   Telephone: 217/782-2844

G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 380 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.

p) Part(s) (Heading and Code Citation): Metro East Mass Transit District Service Occupation Tax, 86 Ill. Adm. Code 380

1) Rulemaking:

A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.
DEPARTMENT OF REVENUE

JULY 2010 REGULATORY AGENDA

B) **Statutory Authority:** 70 ILCS 3610/5.01

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Businesses that make sales of service involving the transfer of tangible personal property in a Metro East Mass Transit District would be minimally impacted.

F) **Agency contact person for information:**

Jerilynn Gorden  
Deputy General Counsel, Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information:** Similar changes will be made to Parts 370 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.

q) **Part(s) (Heading and Code Citation):** Metro East Mass Transit District Use Tax, 86 Ill. Adm. Code 390

1) **Rulemaking:**

A) **Description:** Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

B) **Statutory Authority:** 70 ILCS 3610/5.01

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.
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D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
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Telephone: 217/782-2844

G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 380 regarding the taxes imposed in Metro East Mass Transit Districts.

r) Part(s) (Heading and Code Citation): Bingo License and Tax Act, 86 Ill. Adm. Code 430

1) Rulemaking:

A) Description: Regulations will be updated to reflect the provisions of Public Act 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses, and the amendments in Public Act 95-228, dealing with licensing. The regulations will also be amended to clarify record keeping requirements and the documentation required for a license application.

B) Statutory Authority: 230 ILCS 25/1

C) Scheduled meeting/hearing dates: No schedule has been established at this time.
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D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Entities eligible for bingo licenses will be affected by this rulemaking.

F) **Agency contact person for information:**

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: 217/524-3951

G) **Related rulemakings and other pertinent information:** There are no related rulemakings.

s) **Part(s) (Heading and Code Citation):** Pull Tabs and Jar Games, 86 Ill. Adm. Code 432

1) **Rulemaking:**

A) **Description:** Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.

B) **Statutory Authority:** 230 ILCS 20/1

C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Entities eligible for pull tabs and jar games licenses will be affected by this rulemaking.
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F) **Agency contact person for information:**

Paul Caselton  
Deputy General Counsel, Income Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: 217/524-3951

G) **Related rulemakings and other pertinent information:** There are no related rulemakings.

t) **Part(s) (Heading and Code Citation):** Charitable Games, 86 Ill. Adm. Code 435

1) **Rulemaking:**

A) **Description:** Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.

B) **Statutory Authority:** 230 ILCS 30/1

C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Entities eligible for a charitable games license will be affected by this rulemaking.

F) **Agency contact person for information:**

Paul Caselton  
Deputy General Counsel, Income Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794
DEPARTMENT OF REVENUE

JULY 2010 REGULATORY AGENDA

Telephone: 217/524-3951

G) Related rulemakings and other pertinent information: There are no related rulemakings.

u) Part(s) (Heading and Code Citation): Cigarette Tax Act, 86 Ill. Adm. Code 440

1) Rulemaking:

A) Description: Amendments will be made to update the Cigarette Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) Statutory Authority: 20 ILCS 2505/2505-30

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Minimal, depending upon what legislation may be enacted.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: 217/782-2844

G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Cigarette Use Tax Act, 86 Ill. Adm. Code 450
1) **Rulemaking:**

A) **Description:** Amendments will be made to update the Cigarette Use Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) **Statutory Authority:** 20 ILCS 2505/2505-80

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Minimal, depending upon what legislation may be enacted.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information:** None

w) **Part(s) (Heading and Code Citation):** Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) **Rulemaking:**

A) **Description:** Regulations will be updated to reflect new statutory provisions, decisional law and Department policy. Examples include:

   Regulations that explain the manner in which DSL services are taxed.
Regulations that explain the taxation of telecommunications that are provided by cable and satellite television companies as part of internet access services and the taxation of Voice Over Internet Protocol (VOIP).

Regulations which reflect the provisions of the Simplified Telecommunications Tax Act (92-526, 92-878, 92-602, 93-286, and 94-793) and the Mobile Telecommunications Sourcing Conformity Act. (92-474).

Regulations that explain the telecommunications tax liabilities involved when multiple parties are joined together in different conference calling arrangements.

B) **Statutory Authority:** 35 ILCS 630; Public Acts 92-526; 92-0602; 92-878, 93-286, and 94-793

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings to Part 495 during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Retailers of telecommunications and their telecommunications customers will be affected by these regulations.

F) **Agency contact person for information:**

Jerilynn Gorden  
Deputy General Counsel, Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information:** There are no related rulemakings.
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x) Part(s) (Heading and Code Citation): Motor Fuel Tax, 86 Ill. Adm. Code 500

1) Rulemaking:

A) Description: Regulations will be updated to reflect new statutory provisions, new provisions and procedures under the International Fuel Tax Agreement, and changes in Department procedures.

B) Statutory Authority: 35 ILCS 505/14

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 500 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Motor fuel distributors, suppliers and receivers, as well as persons licensed under the International Fuel Tax Agreement, will be affected by these regulations.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: 217/782-2844

G) Related rulemakings and other pertinent information: There are no related rulemakings.

y) Part(s) (Heading and Code Citation): Tobacco Products Tax Act of 1995, 86 Ill. Adm. Code 660

1) Rulemaking:
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A) **Description:** Amendments will be made to update the Tobacco Products Tax Act regulations to clarify when retailers of tobacco products must obtain licenses as distributors and changes in documentation requirements for invoices and for claiming exemptions. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) **Statutory Authority:** 35 ILCS 143/10-1 et seq. and 20 ILCS 2505/2505-795

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Minimal record keeping requirements for retailers and their suppliers of tobacco products.

F) **Agency contact person for information:**

   Jerilynn Gorden
   Deputy General Counsel, Sales and Excise Tax
   Illinois Department of Revenue
   101 W. Jefferson, 5-500
   Springfield, IL 62794
   Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information:** None

z) **Part(s) (Heading and Code Citation):** Special County Retailers' Occupation Tax for Public Safety, 86 Ill. Adm. Code 670

1) **Rulemaking:**

   A) **Description:** Amendments will be made to update the Special County Retailers' Occupation Tax for Public Safety regulations to reflect new statutory developments, decisional law and Department policies.
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Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) Statutory Authority: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95]

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Small municipalities may impose this tax for purposes of building or improving public facilities.

F) Agency contact person for information:

    Jerilynn Gorden
    Deputy General Counsel, Sales and Excise Tax
    Illinois Department of Revenue
    101 W. Jefferson, 5-500
    Springfield, IL 62794
    Telephone: 217/782-2844

G) Related rulemakings and other pertinent information: None

aa) Part(s) (Heading and Code Citation): Special County Service Occupation Tax for Public Safety, 86 Ill. Adm. Code 680

1) Rulemaking:

   A) Description: Amendments will be made to update the Special County Service Occupation Tax for Public Safety regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
DEPARTMENT OF REVENUE

JULY 2010 REGULATORY AGENDA

B) Statutory Authority: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95]

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Small municipalities may impose this tax for purposes of building or improving public facilities.

F) Agency contact person for information:

   Jerilynn Gorden
   Deputy General Counsel, Sales and Excise Tax
   Illinois Department of Revenue
   101 W. Jefferson, 5-500
   Springfield, IL 62794
   Telephone: 217/782-2844

G) Related rulemakings and other pertinent information: None

bb) Part(s) (Heading and Code Citation): Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

1) Rulemaking:

   A) Description: The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act.

   B) Statutory Authority: 20 ILCS 2505/2505-795

   C) Scheduled meeting/hearing dates: No schedule has been established at this time.
DEPARTMENT OF REVENUE

JULY 2010 REGULATORY AGENDA

D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.

E) Effect on small business, small municipalities and not for profit corporations: These rulemakings will provide guidance for any business or not for profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone 217/524-3951

G) Related rulemakings and other pertinent information: None

cc) Part(s) (Heading and Code Citation): New Part Governing Electronic Filing of Corporate Income Tax Returns

1) Rulemaking:

A) Description: The Department will promulgate regulations providing the procedures for corporations, partnerships and tax exempt organizations to file their Illinois income tax returns electronically.

B) Statutory Authority: 35 ILCS 5/502

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.
DEPARTMENT OF REVENUE

JULY 2010 REGULATORY AGENDA

E) Effect on small business, small municipalities and not for profit corporations: This rulemaking will provide guidance for corporations who will file their Illinois income tax returns electronically.

F) Agency contact person for information:

Rickey A. Walton
Special Assistant Attorney General
Illinois Department of Revenue
100 W. Randolph St., 7-900
Chicago, IL 60601
Telephone: 312/814-3185

G) Related rulemakings and other pertinent information: None

dd) Part(s) (Heading and Code Citation): New Part Governing County School Facility Retailers' Occupation Tax

1) Rulemaking:

A) Description: New regulations will be promulgated to implement the provisions of PA 95-675 imposing a County School Facility Retailers' Occupation Tax.

B) Statutory Authority: 55 ILCS 5/5-1006.7(a)

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Counties imposing this tax and retailers located in such jurisdictions will be affected by this rulemaking.

F) Agency contact person for information:

Jerilynn Gorden
G) Related rulemakings and other pertinent information: A new Part implementing a County School Facility Service Occupation Tax is related.

ee) Part(s) (Heading and Code Citation): New Part Governing County School Facility Service Occupation Tax

1) Rulemaking:

A) Description: New regulations will be promulgated to implement the provisions of PA 95-675 imposing a County School Facility Retailers' Occupation Tax.

B) Statutory Authority: 55 ILCS 5/5-1006.7(b)

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses making sales of service in counties imposing the tax will be minimally affected.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: 217/782-2844
G) Related rulemakings and other pertinent information: A new Part Governing a County School Facility Retailers' Occupation Tax is related.

ff) Part(s) (Heading and Code Citation): New Part Governing Internet Filing of Sales and Use Tax Returns

1) Rulemaking:

A) Description: Regulations will be promulgated to provide the specific procedures and requirements for persons using an Internet-based system to file sales and use tax returns.

B) Statutory Authority: 20 ILCS 2505/2505-210

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Persons using the Internet to file sales and use tax returns will be affected by these rules.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: 217/782-2844

G) Related rulemakings and other pertinent information: None

gg) Part(s) (Heading and Code Citation): New Part Governing Business District Taxes

1) Rulemaking:
DEPARTMENT OF REVENUE

JULY 2010 REGULATORY AGENDA

A) **Description:** Regulations will be promulgated to set out specific procedures and requirements for the business district taxes authorized by P.A. 93-1053.

B) **Statutory Authority:** 65 ILCS 5/11-74.3-6

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Municipalities are authorized to impose these taxes within business districts established by those municipalities. All businesses that are engaged in making sales of tangible personal property at retail and sales of service when tangible personal property is transferred incident to those sales of service within a business district where those taxes are imposed will be subject to those taxes.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information:** None

hh) **Part(s) (Heading and Code Citation):** New Part Governing Flood Prevention District Act

1) **Rulemaking:**

   A) **Description:** Draft regulations relating to the Flood Prevention District Act to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.
DEPARTMENT OF REVENUE

JULY 2010 REGULATORY AGENDA

B) **Statutory Authority:** 70 ILCS 750/1 et seq.

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Retailers located in flood prevention district may have the tax imposed upon them and will be required to remit the tax and keep books and records and file returns with the Department.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: 217/782-2844

G) **Related rulemakings and other pertinent information:** None
STATE BOARD OF EDUCATION

JULY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

1) Rulemaking:
   A) **Description:** Part 1 will be amended on an emergency basis to replace the current Illinois Learning Standards for English language arts and mathematics with the Common Core Standards for those areas. Concurrent ordinary amendments will be promulgated, as well.
   B) **Statutory Authority:** 105 ILCS 5/2-3.6
   C) **Scheduled meeting/hearing date:** To be announced.
   D) **Date agency anticipates First Notice:** July 9, 2010
   E) **Effect on small businesses, small municipalities, or not-for-profit corporations:** None.
   F) **Agency contact person for information:**
      Shelley Helton
      Agency Rules Coordinator
      Illinois State Board of Education
      100 North First Street
      Springfield, Illinois 62777
      (217) 782-5270
   G) **Related rulemakings and other pertinent information:**

b) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

1) Rulemaking:
   A) **Description:** In response to a federal monitoring citation, Part 1 will be amended to include a definition of "eleventh-grader" for purposes of participation in the Prairie State Achievement Examination. Other changes also may be needed and will be made as part of the rulemaking.
B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: October 8, 2010

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5270

G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): Code of Ethics for Illinois Educators (23 Ill. Adm. Code 22)

1) Rulemaking:

A) Description: New Part 22 will set forth a code of ethics that all educators in Illinois must follow.

B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 9, 2010

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:
JULY 2010 REGULATORY AGENDA

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5270

G) Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): Certification (23 Ill. Adm. Code 25)

1) Rulemaking:

A) Description: These amendments will address changes in numerous sections due to P.A. 96-682 (alternative certification programs and non-profit organizations) and P.A. 96-903 (principal preparation programs). In addition, changes will be made to provisions setting forth the process for certificate application, and accrediting institutions and approving educator preparation programs. Additionally, the number of hours for an endorsement in foreign languages will be increased. Other clarifications and technical changes also will be made.

B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: September 3, 2010

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)

1) Rulemaking:

A) Description: New Part 30 will be promulgated to establish standards for programs that prepare principals and assistant principals, as set forth in Section 21-7.6 of the School Code [105 ILCS 5/21-7.6].

B) Statutory Authority: 105 ILCS 5/21-7.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: September 3, 2010

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5270

G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Recovery of Grant Funds (23 Ill. Adm. Code 160)

1) Rulemaking:

A) Description: New Part 160 implements Sections 6 through 8 of the Grant Funds Recovery Act [30 ILCS 705/6 through 8] to establish the
procedures to be used to recover grant funds either improperly held or misspent.

B) **Statutory Authority:** 105 ILCS 5/2-3.6

C) **Scheduled meeting/hearing date:** To be announced.

D) **Date agency anticipates First Notice:** October 8, 2010

E) **Effect on small businesses, small municipalities, or not-for-profit corporations:** None.

F) **Agency contact person for information:**

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-5270

G) **Related rulemakings and other pertinent information:**

g) **Part(s) (Heading and Code Citation):** Student School Records (23 Ill. Adm. Code 375)

1) **Rulemaking:**

A) **Description:** Numerous changes will be made including adding specificity to discuss videotapes made on school buses as well as medical information such as logs kept by diabetic students and updating the section regarding student directories. Any changes needed for conformance with federal requirements under the Family Educational Rights and Privacy Act (FERPA) or the Health Insurance Portability and Accountability Act (HIPAA) also will be incorporated.

B) **Statutory Authority:** 105 ILCS 5/2-3.13a, 105 ILCS 10

C) **Scheduled meeting/hearing date:** To be announced.
STATE BOARD OF EDUCATION

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D) Date agency anticipates First Notice: December 27, 2010

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:
Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5270

G) Related rulemakings and other pertinent information:

h) Part(s) (Heading and Code Citation): Regional Office of Education and Intermediate Services (23 Ill. Adm. Code 525)

1) Rulemaking:

A) Description: Current Part 525 will be repealed and New Part 525 (Intermediate Services) will be proposed in light of the changes necessitated by P.A. 96-568 and P.A. 96-893.

B) Statutory Authority: 105 ILCS 5/2-3.62

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: September 3, 2010

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:
Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
G) Related rulemakings and other pertinent information:

i) **Part(s) (Heading and Code Citation):** School Technology Program (23 Ill. Adm. Code 575)

   1) **Rulemaking:**

      A) **Description:** Proposed changes in Part 575 respond to P.A. 96-783, which requires the agency to conduct rulemaking to provide for the return of equipment in the event of a closure of a nonpublic school that received a loan.

      B) **Statutory Authority:** 105 ILCS 5/2-3.117a

      C) **Scheduled meeting/hearing date:** To be announced.

      D) **Date agency anticipates First Notice:** October 8, 2010

      E) **Effect on small businesses, small municipalities, or not-for-profit corporations:** None.

      F) **Agency contact person for information:**

         Shelley Helton
         Agency Rules Coordinator
         Illinois State Board of Education
         100 North First Street
         Springfield, Illinois 62777
         (217) 782-5270

      G) Related rulemakings and other pertinent information:

j) **Part(s) (Heading and Code Citation):** Charter Schools (23 Ill. Adm. Code 650)

   1) **Rulemaking:**
STATE BOARD OF EDUCATION

JULY 2010 REGULATORY AGENDA

A) Description: A technical change will be made in Part 650 in response to P.A. 96-734, as well as a new section added to address the closure of charter schools.

B) Statutory Authority: 105 ILCS 5/Art. 27A

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: November 12, 2010

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5270

G) Related rulemakings and other pertinent information:

k) Part(s) (Heading and Code Citation): Providers of Supplemental Educational Services (23 Ill. Adm. Code 675)

1) Rulemaking:

A) Description: A change will be made in Section 675.250 regarding the appeal process for providers and school districts. Other changes regarding the provision of supplemental educational services also may be made.

B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: October 8, 2010
E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5270

G) Related rulemakings and other pertinent information:
STATE UNIVERSITIES RETIREMENT SYSTEM

JULY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Document Retention (80 Ill. Adm. Code 1600.140)

1) Rulemaking: No docket number presently assigned.
   A) Description: A Section to set forth retention periods for the various categories of documents used by the System in business operations.
   C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.
   D) Date agency anticipates First Notice: July 2010
   E) Effect on small businesses, small municipalities or not for profit corporations: None
   F) Agency contact person for information:
      Name: Bryan M. Perrero, Assistant General Counsel
      Address: State Universities Retirement System
                1901 Fox Drive
                Champaign, IL 61820
      Telephone: (217) 378-7516
   G) Related rulemakings and other pertinent information:

b) Part(s) (Heading and Code Citation): Participation Requirements (80 Ill. Adm. Code 1600.200)

1) Rulemaking: No docket number presently assigned.
   A) Description: A Section clarifying the definition of "employee" under Section 15-107 of the Illinois Pension Code, 40 ILCS 5/15-107.
STATE UNIVERSITIES RETIREMENT SYSTEM

JULY 2010 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

   Name: Bryan M. Perrero, Assistant General Counsel
   Address: State Universities Retirement System
            1901 Fox Drive
            Champaign, IL  61820
   Telephone: (217) 378-7516

G) Related rulemakings and other pertinent information:

   c) Part(s) (Heading and Code Citation): Disabled Child Survivors Insurance Beneficiaries
      (80 Ill. Adm. Code 1600.306)

      1) Rulemaking: No docket number presently assigned.

         A) Description: A Section regarding the timing and criteria used in making determinations of disability status for purposes of survivors insurance under Section 15-145(c) of the Illinois Pension Code, 40 ILCS 5/15-145(c).


         C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

         D) Date agency anticipates First Notice: July 2010
STATE UNIVERSITIES RETIREMENT SYSTEM

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E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Bryan M. Perrero, Assistant General Counsel
Address: State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
Telephone: (217) 378-7516

G) Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): Commencement of Disability Benefits (80 Ill. Adm. Code 1600.325)

1) Rulemaking: No docket number presently assigned.

A) Description: A Section clarifying the System's interpretation of Section 15-151 of the Illinois Pension Code, 40 ILCS 5/15-151, as it relates to the "termination of payment of salary or sick leave."


C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Bryan M. Perrero, Assistant General Counsel
Address: State Universities Retirement System
1901 Fox Drive
STATE UNIVERSITIES RETIREMENT SYSTEM

JULY 2010 REGULATORY AGENDA

Champaign, IL 61820
Telephone: (217) 378-7516

G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Making Preliminary Estimated Payments (80 Ill. Adm. Code 1600.420)

1) Rulemaking: No docket number presently assigned.

A) Description: Revise the current rule on Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.


C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: July 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Bryan M. Perrero, Assistant General Counsel
Address: State Universities Retirement System
         1901 Fox Drive
         Champaign, IL 61820
Telephone: (217) 378-7516

G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Trustee Election Procedures (80 Ill. Adm. Code 1600.700)
1) Rulemaking: No docket number presently assigned.

   A) Description: Promulgate procedures for nomination and election of elected SURS Board Trustees.


   C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

   D) Date agency anticipates First Notice: July 2010

   E) Effect on small businesses, small municipalities or not for profit corporations: None

   F) Agency contact person for information:

      Name: Bryan M. Perrero, Assistant General Counsel
      Address: State Universities Retirement System
              1901 Fox Drive
              Champaign, IL 61820
      Telephone: (217) 378-7516

   G) Related rulemakings and other pertinent information:
ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2010 REGULATORY AGENDA

a) Part (Heading and Code Citation): Robert C. Byrd Honors Scholarship Program 23 Ill. Adm. Code 2755

1) Rulemaking:

A) Description: This amendment is proposed to adjust the current awarding formula to provide more equity in relation to the selection of scholars within each scholarship district. Also, the distribution of awards by district (Appendix A) will be updated using more current population data.

B) Statutory Authority: Implementing Section 65.60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.60 and 20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: Fall 2010

E) Effect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:
Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Illinois Prepaid Tuition Program 23 Ill. Adm. Code 2775

1) Rulemaking:
ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2010 REGULATORY AGENDA

A) **Description:** This amendment is proposed to reflect the statutory changes contained in HB6206, which is expected to become law in July 2010. The amendment expands school eligibility for the College Illinois® 529 Prepaid Tuition Program by changing the definition for institutions that are eligible such that it matches the definition of an “institution of higher learning” found in the Higher Education Student Assistance Act. This amendment will provide criteria against which the Commission could judge out-of-state and for-profit schools to ensure that they qualify as long as they meet standards – such as accreditation and maintenance of degree-granting programs – that are substantially equivalent to those for an eligible institution located in Illinois.

B) **Statutory Authority:** Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) **Scheduled meeting/hearing dates:** At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) **Date agency anticipates First Notice:** Fall 2010

E) **Effect on small business, municipalities or not for profit corporations:** None

F) **Agency Contact Person for Information:**
   Lynn Hynes
   Agency Rules Coordinator
   Illinois Student Assistance Commission
   1755 Lake Cook Road
   Deerfield, Illinois 60015
   847/948-8500

G) **Related rulemakings and other pertinent information:** None
DEPARTMENT OF TRANSPORTATION

JULY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Contract Procurement, 44 Ill. Adm. Code 660

1) Rulemaking:

A) Description: The Department will be revising this Part for consistency with Public Acts 96-793 and 96-920, effective July 1, 2010 as those Public Acts pertain to the procurement practices of the Department. A detailed description of the substance of the proposed amendments will be published in the Department's Notice of Proposed Amendments when the rulemaking is published in the Illinois Register for the start of the public comment period.

B) Statutory Authority: 30 ILCS 500

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Summer 2010

E) Effect on small businesses, small municipalities or not-for-profit corporations: The new reporting requirements prescribed by the Public Acts will impact small businesses no differently than any other entity doing business with the Department under this Part.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL  62764
217/524-3838

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Airport Hazard Zoning; 92 Ill. Adm. Code 16

1) Rulemaking:
DEPARTMENT OF TRANSPORTATION

JULY 2010 REGULATORY AGENDA

A) **Description:** This Part provides requirements that restrict the height of structures, equipment, and vegetation, and that regulate the use of property on or in the vicinity of any publicly-owned airport whose owner or operator requests enforcement of airport hazard zoning by the Department. This Part will be amended at Appendix A to include seven additional airports requesting enforcement of hazard zoning by the Department.

B) **Statutory Authority:** 620 ILCS 25

C) **Scheduled meeting/hearing date:** None scheduled

D) **Date agency anticipates First Notice:** Within six months

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** Small municipalities that own an applicable public airport may be impacted by this Part.

F) **Agency contact person for information:**

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL  62764
217/524-3838

G) **Related rulemakings and other pertinent information:** The Department will be repealing several old Parts and bringing those airports under the generic Part 16.

c) **Part(s) (Heading and Code Citation):** Business Logo Signing Program; 92 Ill. Adm. Code 542

1) **Rulemaking:**

A) **Description:** The Department is proposing to amend this Part to allow more than one sign for any one type of service, under some circumstances, as permitted by a recent change to the national Manual on Uniform Traffic Control Devices.
B) **Statutory Authority:** 225 ILCS 440/4.08, 605 ILCS 5/4-201.1, and 225 ILCS 440/14.01

C) **Scheduled meeting/hearing date:** None scheduled

D) **Date agency anticipates First Notice:** Within six months

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** These amendments will affect small businesses desiring to participate in the program.

F) **Agency contact person for information:**
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL  62764
217/ 524-3838

G) **Related rulemakings and other pertinent information:** None

d) **Part(s) (Heading and Code Citation):** Roadside Memorials; 92 Ill. Adm. Code 549

1) **Rulemaking:**

   A) **Description:** Pending signature by the Governor of SB 3803, the Department will revise this Part to allow additional markers to memorialize victims of crashes involving reckless driving.

   B) **Statutory Authority:** 605 ILCS 125

   C) **Scheduled meeting/hearing date:** None scheduled

   D) **Date agency anticipates First Notice:** Within six months

   E) **Effect on small businesses, small municipalities or not-for-profit corporations:** These amendments will not affect small businesses, small municipalities or not-for-profits.
DEPARTMENT OF TRANSPORTATION

JULY 2010 REGULATORY AGENDA

F) Agency contact person for information:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL  62764
217/524-3838

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: The Department will promulgate two new Parts establishing inspection criteria and construction standards for multifunction school activity buses pursuant to Public Act 96-410, effective July 1, 2010.


C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking affects school districts or small businesses that own, operate, manufacture or sell multifunction school activity buses registered for use in Illinois.

F) Agency contact person for information:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
DEPARTMENT OF TRANSPORTATION

JULY 2010 REGULATORY AGENDA

Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL  62764
217/524-3838

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Oversize and Overweight Permit Movements on State Highways; 92 Ill. Adm. Code 554

1) Rulemaking:

A) Description: These revisions will update and clarify procedures for trucking firms involved in the movement of oversize and overweight loads on State highways.

B) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not impact small businesses differently than any other business seeking a permit to move oversize and overweight loads.

F) Agency contact person for information:
Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL  62764
217/524-3838

G) Related rulemakings and other pertinent information: None
ILLINOIS ADMINISTRATIVE CODE  
Issue Index - With Effective Dates  

Rules acted upon in Volume 34, Issue 28 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

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**ADOPTED RULES**

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**EMERGENCY RULES**

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**APPROVAL OF EXPEDITED CORRECTION**

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### ORDER FORM

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</tr>
<tr>
<td>□ New □ Renewal</td>
<td></td>
</tr>
<tr>
<td>Back Issues of the Illinois Register (2009 Only)</td>
<td>$10.00 (each)</td>
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<tr>
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<td>Microfiche sets of the Illinois Register 1977 – 2003</td>
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<tr>
<td>Specify Year(s)</td>
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<td>Cumulative/Sections Affected Indices 2003 - 2006</td>
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<td>(Processing fee for credit cards purchases, if applicable.)</td>
<td>$2.00</td>
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**TOTAL AMOUNT OF ORDER** $__________

☐ 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) 557-8919

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